UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
25th meeting
held on
Tuesday, 30 October 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 25th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued)

AGENDA ITEM 92: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS (continued)

AGENDA ITEM 96: POLICIES AND PROGRAMMES INVOLVING YOUTH (continued)

AGENDA ITEM 99: QUESTION OF AGING (continued)

AGENDA ITEM 104: INTERNATIONAL YEAR OF THE FAMILY (continued)

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Distr. GENERAL
A/C.3/45/SR.25
12 November 1990

ORIGINAL: ENGLISH

90-56676 2960S (E)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/45/523; A/45/590, A/45/640; E/CN.4/1990/9/Rev.1)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/45/524, A/45/587)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/45/3, Chap. V, Sect. C; A/CONF.144/28; A/45/203; A/45/205, A/45/207, A/45/216, A/45/222, A/45/225, A/45/254, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/275, A/45/280, A/45/324, A/45/338, A/45/381, A/45/629)

1. Mrs. EJIRI (Japan) said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had adopted a number of important texts, particularly the draft resolution entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", recommended for adoption by the General Assembly. The United Nations had an extremely important role to play in providing an effective global response to world-wide criminal activity, including illegal trafficking in narcotic drugs, international terrorism and organized crime. Accordingly, the Organization should restructure its activities in that regard, and review its financial management in order to become more actively involved in crime prevention. Her Government was determined to make as great a contribution as possible in that area, and was prepared to host a meeting of the intergovernmental working group referred to in the draft resolution in question.

2. The procedure followed by the Congress was unique and painstaking, since most of the texts to be adopted were first considered at preparatory meetings of experts. That was very important because the rules and standards to be adopted by the United Nations in that field could have a great impact on all countries. It was hoped that the Congress would continue to make best use of that process.

3. She stressed the need to ensure the effective global implementation of the United Nations rules and standards in the field of crime prevention and criminal justice. The Organization should therefore, within the limits of available resources, make it a priority to review and harmonize existing rules and standards in preparing new ones.

4. Mr. STEIN (United States of America) said that the basic right of the individual to own property and develop it to its full economic potential was an essential human right and a fundamental freedom. Democracy itself was based on the principle of the moral integrity of the individual and the belief that society should be regulated by individual choice and decision-making. Respect for that principle permitted individuals to exercise authority over their economic activities. The right to own property, especially economically productive property, emancipated the individual from the State, making government an obedient servant of the people. Civil liberties such as freedom of speech, worship and

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(Mr. Stein, United States)

assembly flourished in a society that respected property rights. Respect for the right to own property was thus essential for the development of legal, economic, social and cultural institutions in which persons participated freely and without discrimination and where other fundamental rights and freedoms were protected.

5. Much of government's role in a democratic society arose from the need to regulate competing claims to property among individuals and groups. Governments should promote the creation of assets and the acquisition of property by individuals to produce a social climate of hope and opportunity in which ambitious persons engaged in constructive pursuits to the benefit of all of society.

6. The right to own property, if fully protected, benefited the international community as well. Individuals would trade and invest abroad when they were sure that Governments of other countries would not expropriate their assets without just compensation, and would respect their right to make private economic decisions. The future of the developing countries depended on full respect for property rights throughout the world, in every Member State and across all international boundaries.

7. The international community should give greater consideration to the right to own property in the context of ongoing human rights endeavours. Article 17 of the Universal Declaration of Human Rights set forth two norms of broad significance in that regard. His delegation hoped that the Commission on Human Rights would consider the means whereby and the degree to which respect for the right to own property alone, as well as that right in association with others, contributed to the development of individual freedom and initiative, and enhanced the exercise of other human rights and fundamental freedoms.

8. Ms. ILIC (Yugoslavia) said that the Declaration on the Right to Development recognized that development policy should make the human being the main participant in and beneficiary of development, and at the same time laid the basis for integrating human rights into the planning and execution of development projects. One could not speak of human rights while ignoring the fact that parts of the world were plagued by such serious problems as the debt crisis, monetary instability, unemployment and growing poverty. Participation in management and the political decision-making process were also essential elements in the realization of the right to development.

9. The results of the Global Consultation on the Right to Development as a Human Right should promote better understanding of the interdependence of development and human rights, and stimulate activities carried out by the United Nations, States, development and financial organizations, non-governmental organizations and individuals. Her country supported all the conclusions and recommendations of the Global Consultation. It believed that the Commission on Human Rights, in considering the right to development, had entered a phase in which the question of implementation was of central importance. In that connection, she stressed the need for co-ordinated action and the establishment of an evaluation mechanism to ensure the promotion of the right to development.

(Ms. Ilic, Yugoslavia)

10. Her delegation particularly wished to emphasize the relevance of the conclusions of the Global Consultation concerning the criteria for measuring progress in the realization of the right to development. It supported the grouping of those criteria under the headings suggested. Yugoslavia also supported the recommendations for action at the national, regional and international levels. The Centre for Human Rights should play a co-ordinating role in implementing the Declaration and should be empowered to appoint full-time specialists entrusted with tasks in that field.

11. Yugoslavia particularly endorsed the recommendation that the Secretary-General should appoint a high-level committee of independent experts to report annually to the General Assembly on progress made in the implementation of the Declaration. That committee should base its findings on the information provided by Governments, intergovernmental bodies, non-governmental organizations and research institutes. The time had come to establish a mechanism for monitoring the implementation of the Declaration and thus make progress towards the realization of the right to development. The implementation of that right should be considered further by the Commission on Human Rights and other relevant United Nations agencies in a co-ordinated manner.

12. Mr. CUI Jingrui (China) said that the consideration of the right to development by the international community had enriched the concept of human rights. It reflected new understandings and demands in the light of new historical conditions, as well as the desire of the international community to strengthen international co-operation. The realization of the right to development would enable people fully to enjoy other human rights. He welcomed the progress made in promoting the implementation of the Declaration on the Right to Development, which was the focus of considerable research and increasing attention on the part of States and the relevant United Nations agencies. The Global Consultation held earlier in 1990 had further clarified the concept of the right to development and had resulted in the elaboration of policies to enhance the enjoyment of that right. Prompt action should be taken to mobilize resources in various fields to that end.

13. The right to development, while an individual human right, was also a collective human right, and all Governments should prepare practical development strategies and related policies reflecting their own situations, in order to promote social and economic development and ensure the enjoyment by their peoples of their civil, political, social, economic and cultural rights. That required the creation of a sound international environment free from racism, colonialism, hegemonism, foreign aggression and violations of the right to self-determination, in which international peace and security could prevail. In the economic sphere, all countries, in particular the developed countries, must adopt effective policies and measures to redress the imbalances in the world economic structure and improve the international economic environment. It was also necessary to tap the full potential of the people of all countries so that they could participate in the development process and share equitably in the fruits of progress. All those aspects of the right to development were crucial to its full realization.

READEX FICHE

(Mr. Cui Jingrui, China)

14. Concerted efforts by all States Members of the United Nations, government agencies, specialized agencies and other parties concerned were needed in order to ensure prompt and effective implementation of the principles contained in the Declaration on the Right to Development. His delegation hoped that more countries would reply to the request by the Secretary-General for their views and comments, and that the specialized agencies would take further initiatives with respect to research on and the implementation of the right to development. His country had always attached importance to that right and had actively participated in various activities to promote it.

15. Turning to the question of crime prevention, he observed that in recent years traditional crime and new types of crime, particularly organized crime and transboundary crime, had increased unabated, posing a serious threat to the entire international community. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had provided an opportunity to strengthen international co-operation in the field of crime prevention. The positive results of the Congress indicated the strong resolve of the international community to combat crime, strengthen criminal justice systems and co-ordinate efforts on those issues. He welcomed the success of the Congress and expressed his delegation's gratitude to the Cuban Government for hosting it.

16. His Government endorsed the elaboration of effective programmes for the control of international crime and the promotion of criminal justice. The United Nations should give priority in that regard to technical assistance to developing countries. It was necessary to elaborate international instruments, standards and rules to prevent crime, and his delegation would support the continuing efforts of the United Nations to that end. Greater attention also should be paid to the implementation of existing instruments, standards and rules and, in the process of elaborating new ones, full account should be taken of the different legal systems, economic and social situations, and historical and cultural backgrounds of nations.

17. Mr. SLABY (Czechoslovakia), welcoming the success of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, observed that broad support had been expressed for an effective international mechanism to combat crime, in particular, its transboundary forms. The model treaties elaborated provided a basis for strengthening legal co-operation in that field, particularly with respect to extradition and mutual assistance. There was now a greater awareness that criminality was a problem that affected society as a whole, and that greater co-operation in the field of development was needed. The importance of education and training as basic tools for crime prevention also was more fully understood.

18. Participants had recognized the need for much broader international co-operation to develop a United Nations crime prevention programme in order to diminish the threat of spiralling criminality, particularly since an increase in crime might reflect the increased openness and internationalization of modern societies. The Congress also had confirmed the serious negative quantitative and qualitative impact of crime on society, in terms of the very high economic and psychological price it exacted.

(Mr. Slaby, Czechoslovakia)

19. The main strategy for combating crime required the creation and application of a comprehensive system of preventive measures in the social sphere, patterned after the recommendations contained in the Milan Plan of Action adopted at the Seventh Congress. The preparation of registers of convicts covering all forms of organized crime was one useful measure. Highlighting the importance of preventing juvenile delinquency, he observed that even before the adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, his country had been focusing on the need to combat crime as a specific social phenomenon and had been building a special system of juvenile criminal justice. It had therefore fully supported the Congress resolutions on the prevention of juvenile delinquency, domestic violence and the use of children for criminal activities.

20. In the context of democratic transformations under way in his country, fundamental changes were envisaged in the legal system. Discussions on a new constitution and criminal code were focusing on crime prevention as well as suppression, and due attention was being paid to the importance of ensuring a humane criminal justice system through the practical application of the principles of democracy and the unrestricted exercise of human rights. Attention also was being paid to the treatment of suspects and sentenced offenders, safeguards to ensure that courts were impartial and just, and various matters pertaining to the status of judges and prosecutors. Pursuant to the United Nations Standard Minimum Rules for Non-custodial Measures, his country was considering alternatives to custodial sentences, recognizing that such alternatives could prove more effective instruments of correction and better serve the interests of delinquents and of society.

21. His country's recodification efforts also would be guided by principles adopted at the Congress with respect to the use of force and firearms by law enforcement officials, the role of lawyers and State prosecutors, the protection of the human rights of victims of crime, and the misuse of power. The only Congress resolution at variance with his country's current or contemplated legal provisions was the resolution on the role of prosecutors, particularly the guidelines in paragraph 2 of the annex, prohibiting restrictions in the selection of prosecutors based, inter alia, on the political opinion of a candidate, and paragraph 8, providing for the freedom of expression, belief, association and assembly of prosecutors.

22. His delegation had co-sponsored a draft resolution on capital punishment at the Congress which called upon Member States to consider a moratorium of at least three years on the imposition or carrying out of the death penalty. Consideration of that draft resolution at the current session would contribute to progress on that issue. His country had abolished capital punishment in 1990, replacing it with an exceptional custodial sentence of 15 to 25 years, and the life sentence.

23. The question of the codification of international criminal law and the establishment of an international court of criminal justice or a similar body to prosecute international terrorist activities merited further consideration.

24. Miss JUNEJO (Pakistan) said the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had constituted a landmark in the area of crime prevention and criminal justice. Crime was not an isolated phenomenon; a criminal was a product of the society in which he lived. Effective policies for crime prevention and criminal justice must therefore form part of overall economic and social planning. There was a need for visible change in the socio-economic framework, and for serious attention to be paid to the socio-economic inequities which caused or contributed to most crimes. Developing countries should be assisted through the provision of training and of modern equipment for use in combating crime. In the formulation of standards for criminal justice, the special requirements of the developing countries should be kept in mind.

25. In the highly interdependent world of today, international co-operation in dealing with economic offences, including smuggling, embezzlement, unfair business practices, fraud, tax evasion and the circumvention of national policies, was of the utmost importance. Transnational criminal organizations, including those engaged in illicit drug trafficking, threatened to keep basic social institutions from functioning normally, and a concerted effort was needed in setting up mechanisms for the exchange of information, research findings and experience among States Members of the United Nations. Vigilance was also required to keep organized crime from infiltrating legitimate businesses. Her delegation welcomed the conclusions and recommendations of the Eighth Congress on the Prevention of Crime and the Treatment of Offenders, and hoped that its recommendations would be adopted by the General Assembly and implemented before the next Congress was held.

26. Since in the developing countries the achievement of development was a prerequisite for the enjoyment of civil and political rights, denial of the right of development implied denial of a whole range of fundamental rights. Each year poverty and underdevelopment deprived millions of people, many of them small children, of their right to life. UNICEF figures showed that over 14 million children below the age of five died each year in the developing countries, while others fell victim to malnutrition or disease later in life. The time had come for the General Assembly to request the Commission on Human Rights to address such violations of the right to life and well-being of the population of the developing countries. Experience showed that the right to life could be exercised better in an atmosphere of social and economic development. Her delegation was of the view that the greatest obstacle to the right to development was the inequitable international economic system, in which developing countries were burdened with the problems of growing indebtedness, adverse terms of trade, an unfair international monetary system, the denial of technology, growing protectionism, and the net transfer of resources to developed countries. For those reasons, her delegation supported the recommendations contained in the international development strategy for the fourth United Nations development decade, whose implementation would be facilitated by the creation of an economic and political environment conducive to the realization of the right to development. It also commended the work done by the Group of Governmental Experts on the Right to Development, and supported its recommendations.

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued) (A/C.3/45/L.16)

27. Mr. OSNATCH (Ukrainian Soviet Socialist Republic) introduced draft resolution A/C.3/45/L.16 on behalf of the sponsors. The draft resolution was designed to reinforce the idea of social justice as an independent concept and one of the most important objectives of social development. Paragraph 5 called upon Member States, in elaborating policies in the field of social development and the social situation of all population groups, to take into consideration the importance of achieving social justice for all. That paragraph had been drafted in such a way as to reflect the provisions of the corresponding Economic and Social Council resolution adopted in 1990. The sponsors hoped that the draft resolution would be adopted by consensus.

28. Mrs. ASHTON (Bolivia), introducing draft resolution A/C.3/45/L.18 on behalf of the Group of 77, said that the text reflected the concern of those Member States about the worsening economic situation in many developing countries, particularly the least developed countries. She drew particular attention to the third and sixth preambular paragraphs and to operative paragraphs 3, 5, 6, 7, 10 and 12.

29. The sponsors hoped that the text would be adopted by consensus, for that would send an important message to the international community that close co-operation was essential in order to improve the world social situation, particularly in the developing countries.

AGENDA ITEM 92: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS (continued) (A/C.3/45/L.17)

30. Mr. ORDOÑEZ (Philippines), speaking on behalf of the sponsors of draft resolution A/C.3/45/L.17, which had been joined by Chile and France, said that the draft resolution called for more action-oriented programmes that would elicit a sustained political commitment by Member States to the implementation of the World Programme of Action concerning Disabled Persons to the year 2000 and beyond, and reflected the belief of the sponsors that such activities should benefit disabled persons more directly. He pointed out a typographical error in the English version of paragraph 5: the fourth line should read "... will ensure ...". He drew particular attention to paragraphs 1, 8 and 11, and urged the Committee do adopt the draft resolution by consensus.

AGENDA ITEM 96: POLICIES AND PROGRAMMES INVOLVING YOUTH (continued) (A/C.3/45/L.13)

31. Mr. KRENKEL (Austria), introducing draft resolution A/C.3/45/L.13 on behalf of its sponsors, said that the text reflected a number of suggestions made by other members of the Committee, and was a well-balanced, action-oriented text. He drew the Committee's attention to paragraphs 2, 4, 7, 10 and 12, and urged the Committee to adopt the draft resolution by consensus.

AGENDA ITEM 99: QUESTION OF AGING (continued) (A/C.3/45/L.12)

32. Mrs. ALVAREZ (Dominican Republic) introducing draft resolution A/C.3/45/L.12 on behalf of its sponsors, expressed the hope that it would be adopted by consensus, so that the universal problems relating to the aging world population could be tackled in a responsible and forward-looking way.

33. In the third preambular paragraph, the words "theme for the international development strategy for the fourth United Nations development decade" should be deleted, and the word "and" after "decade" should be replaced by "in". In the sixth preambular paragraph, the phrase "including the transfer of know-how and financial support" should be deleted. In paragraph 3, the words "the bodies, organs and organizations of the United Nations system" should be added after the words "Urges Member States". In the last line of that paragraph, the word "regional" should be inserted after "national". In paragraph 6, the words "consideration be given" were to be replaced by the words "the Commission for Social Development give consideration". Also in that paragraph, the words "and 1992" were to be deleted. In paragraph 7, the word "the" was to be inserted before "recent". The words "of its 1992 agenda" in paragraph 11 were to be deleted. Paragraph 14 was to be deleted, and the subsequent paragraphs renumbered. In the first line of former paragraph 18, now paragraph 17, the word "increase" was to be replaced by the words "consider increasing".

34. The Spanish translation of the draft resolution left much to be desired. For example, the words "reuniones periódicas" appeared in the Spanish text of paragraph 7, whereas in the original English text no corresponding adjective had been used. In paragraph 13, the Spanish for "Centre for Social Development and Humanitarian Affairs" was incorrect, and the words "continue to strengthen this collaboration" had been translated in such a way as to change the meaning of the original. The translation of paragraph 11 had also totally changed the intended meaning of the text.

AGENDA ITEM 104: INTERNATIONAL YEAR OF THE FAMILY (continued) (A/C.3/45/L.14)

35. Mr. ZAWACKI (Poland), introducing draft resolution A/C.3/45/L.14 on behalf of the sponsors, said that they had been joined by Austria, Bolivia, Chile, Guatemala and the Ukrainian Soviet Socialist Republic.

36. In recognition of the fact that the family was one of the oldest institutions of humankind, the General Assembly had proclaimed 1994 as the International Year of the Family, and had requested the Secretary-General to prepare a draft programme for the preparation for and observance of the Year, the main purposes of which were to increase awareness of family issues among Governments, policy makers and the general public, highlight the importance of the family, contribute to a better understanding of its functions, and strengthen national institutions dealing with family matters. The role of the family in promoting progress and development would also be emphasized. Most of the activities conducted to observe the Year would be concentrated at the local and the national levels, and the United Nations would play a support role. Adequate preparation was essential to the success of the

(Mr. Zawacki, Poland)

Year, a fact reflected in the draft resolution under consideration, which welcomed the designation by the Secretary-General of a co-ordinator and the establishment of an organizational secretariat. He expressed the hope that the draft resolution would be adopted by consensus.

37. The CHAIRMAN invited the Committee to turn its attention to draft resolution A/C.3/45/L.15.

38. Mr. ZAWACKI (Poland), introducing draft resolution A/C.3/45/L.15 on behalf of the sponsors, said that they had been joined by the Libyan Arab Jamahiriya.

39. Although the use of alcohol had economic and social implications, negatively affecting personal health, employment, family relationships, social intercourse, the status of women, the welfare of children and youth, the quality of life and economic development, and was also responsible for various forms of violence, it had rarely been considered within the United Nations. In 1989, however, the Economic and Social Council had adopted resolution 1989/49, in which the Secretary-General had been requested to carry out a study on the negative consequences of alcohol use. Note had also been taken of the offer by the Government of Norway to convene an expert meeting on the subject, which had been held from 27 to 29 August 1990 and had formulated the conclusions and recommendations contained in the annex to document A/C.3/45/3.

40. The sponsors hoped that the question of alcohol use would be incorporated in the preparations for the International Year of the Family, and that draft resolution A/C.3/45/L.15 would be adopted by consensus. They wished to point out that the word "urgent" in the third preambular paragraph should be replaced by the word "sustained".

The meeting rose at 4.50 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
26th meeting
held on
Wednesday, 31 October 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 26th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

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90-56706 3035S (E)

Distr. GENERAL
A/C.3/45/SR.26
16 November 1990
ENGLISH
ORIGINAL: FRENCH

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/45/523, A/45/590, A/45/640; E/CN.4/1990/9/Rev.1)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/45/524, A/45/587)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/45/3, chap. V, sect. C; A/CONF.144/28; A/45/324, A/45/629, A/45/203, A/45/205, A/45/207, A/45/216, A/45/222, A/45/225, A/45/254, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/275, A/45/280, A/45/338, A/45/381)

1. Mr. KRENKEL (Austria), speaking on agenda item 100, said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been the most productive so far in terms of the number and variety of resolutions adopted. By recommending to the General Assembly the adoption of the four draft model treaties dealing respectively with extradition, mutual assistance in criminal matters, transfer of proceedings in criminal matters, and transfer of supervision of offenders conditionally sentenced or conditionally released, the Congress had revealed a new trend in the efforts of the United Nations in the field of crime prevention and criminal justice which placed increased emphasis on practical assistance to Member States. The four model treaties could, moreover, be used as a blueprint for future bilateral treaties; they thus helped to improve co-operation, for example in the fight against terrorism and organized crime, as well as providing better opportunities for the social reintegration of offenders.

2. Considerable progress had also been made in the field of United Nations norms, such as the Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). Austria also welcomed the adoption of the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. All those norms, which had been adopted by consensus, were to be regarded as landmarks in the continuous efforts of the United Nations to find agreement on principles of criminal procedure and police activities. They were also welcome as part of the endeavours of the United Nations in the human rights area.

3. It was a matter of urgency, on the one hand, to promote the effective implementation of existing norms and instruments adopted by the international community and, on the other hand, to formulate concrete proposals on the priorities to be adopted for the future work programme of the United Nations in crime prevention and criminal justice. His delegation therefore welcomed the proposal made at the Eighth Congress to establish working groups for those two tasks. It would also be necessary to strengthen the human and financial resources of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, so that the United Nations could continue to perform the functions entrusted to it by the international community with respect to

(Mr. Krenkel, Austria)

co-operation in crime prevention and criminal justice. Austria had long participated in the work of the United Nations in that field and it was prepared to participate in the work of the intergovernmental working group which was to elaborate proposals for an effective crime prevention and criminal justice programme and its effective implementation.

4. Mr. IGNATOV (Union of Soviet Socialist Republics), speaking on agenda item 100, said that development created complex and pressing problems in all continents and in every country, but there were some problems common to all mankind, such as the increasingly serious threat of crime. A great majority of the participants in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had noted with concern the emergence of unfavourable trends, such as the quantitative increase in crime, in particular acts of violence against property and persons, and the expansion of transnational criminality which could cause the political and economic destabilization of States and have harmful effects on the well-being of society. Organized crime and terrorism were acquiring increasingly threatening dimensions and undermining people's confidence in justice and the rule of law. Corruption in government was spreading to the point of jeopardizing the very existence of institutions. Drug addiction and its corollary, drug trafficking, were the true scourge of the twentieth century.

5. Unfortunately, the proliferation of crime noted in the report of the Eighth Congress also affected the Soviet Union. The exacerbation of those pernicious phenomena was even directly linked to the process of making the Soviet Union into a genuinely democratic and open society. In the Soviet Union it was the "profile" of crime itself which had changed. The statistics indicated for 1989 an increase of 31 per cent in the overall crime rate and of 42 per cent in serious crimes. Moreover, there had been an extraordinary surge in organized crime. For example, in 1990 more than 900 groups in that category had been discovered, groups which had committed thousands of serious crimes. Organized crime was prospering above all in the parallel economy which represented some 150 billion roubles, of which 14 billion were accounted for by drug trafficking.

6. It should not be assumed that the law-enforcement bodies were indifferent to the quantitative increase in crime; on the contrary, they were resolutely committed to the fight against criminals. But it must be acknowledged that the policy of restructuring and openness had brought to the surface problems which the authorities either had not suspected or had preferred to close their eyes to. Soviet people often thought that they did not have the experience or the technical means needed to combat such forms of crime which were new to them. There was also an increasing tendency for criminal links to be established between the Soviet mafia and foreign criminal organizations, something which could only increase as the Soviet Union moved towards a market economy.

7. No country could achieve the desired results by its own efforts alone, and crime could be fought only by strengthening international co-operation. It was from that standpoint that the resolutions of the Eighth Congress were of great importance. The four model treaties and the norms and guidelines which had been

(Mr. Ignatov, USSR)

adopted opened up enormous possibilities for the practical organization of international co-operation in the fight against crime, and especially in certain priority areas such as the fight against organized crime, drug trafficking, the "laundering" of money, terrorism, crimes against cultural property and crimes against the environment.

8. Particular importance attached to the second resolution of the Congress, concerning the review of the functions and programme of work of the United Nations in crime prevention and criminal justice. If adopted by the General Assembly, it would be a landmark in the history of international co-operation in the matter. The resolution was based on the report of the Committee on Crime Prevention and Control, of which he was a member, entitled "The need for the creation of an effective international crime and justice programme" (A/1990/31/Add.1). The report contained not only an analysis of the dynamics and structure of crime in the world but also practical recommendations for a programme and new mechanisms to make it work. The establishment of an intergovernmental working group to elaborate proposals for an effective crime prevention and criminal justice programme, the consideration of such proposals at ministerial meetings, and the study of the possible need for a convention or other international instrument on such a programme might constitute a turning point in international co-operation for the concrete organization of the fight against crime.

9. In the same resolution, the Congress called for the strengthening of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna. That was also an urgent question in view of the additional tasks which would be entrusted to the Branch under the current and future programme. The implementation of the resolution would of course have financial implications, but his delegation considered that the programme should not be implemented at the expense of other United Nations programmes.

10. His delegation considered the guidelines and rules worked out by the Congress for non-custodial measures, the treatment of prisoners, measures against organized crime, the prevention of juvenile delinquency, the protection of juveniles deprived of their liberty and the use of force and firearms by law enforcement officials praiseworthy. There was no doubt that the implementation of those rules and guidelines would contribute to protection of the human rights of victims as well as offenders.

11. For some years, the Soviet Union had been engaged in reforming its penal justice system, as a part of the construction of a State ruled by law, and in doing so had taken as models the relevant international instruments, including those worked out by the United Nations. The Soviet Union intended not merely to incorporate those rules into its own legislation but to put them into practice by bringing them to the attention of law enforcement bodies. For that reason it had published a collection of United Nations documents and recommendations on human rights and measures against crime in 1989 and also intended to publish the report of the Eighth Congress.

(Mr. Ignatov, USSR)

12. He hoped that the draft resolution before the Third Committee concerning international co-operation against organized criminal activities would as usual be adopted by consensus and would help give effect to the decisions adopted by the Eighth Congress. Crime knew no frontiers and the defence of legality in an increasingly interdependent world was the concern of all countries.

13. Mrs. BENNANI (Morocco), speaking on agenda item 100, said that the seven preceding United Nations Congresses on the Prevention of Crime and the Treatment of Offenders had succeeded not only in creating a body of universally accepted principles, rules and guidelines but also in laying the foundation for strengthened international co-operation to deal with the rise of crime.

14. The phenomenon of crime threatened peace, the security of individuals and societies and development, and made lasting and sustained progress impossible. Moreover, technological changes and the internationalization of many activities had made crime a world-wide scourge. Crime and the fight against crime absorbed resources that the developing countries could devote to economic and social development. In view of that situation, the United Nations had taken on the task of achieving the common goal, to prevent crime and to diminish its effects on society, relying for that purpose on the full material and political support of Member States.

15. The Eighth Congress, held recently in Havana, had emphasized the "transnationalization" of crime and the increase in criminality. Most of its resolutions and decisions had been adopted by consensus, although the Western countries had considered that the administration of justice must go hand-in-hand with respect for the rights of individuals and the African, Asian and Latin American representatives had laid greater stress on the relationship between justice and development and the need to attack the causes of crime and not its consequences. Her delegation took note in particular of the resolution requesting a detailed study of the role of education in the prevention of crime and penal justice, that on the organization of an international year of the rehabilitation of offenders, and the resolutions dealing with domestic violence, proposing international co-operation in the effective and uniform prevention and control of terrorism and on the protection of the human rights of the victims of crime and abuse of power.

16. Conscious of the fact that justice was the foundation for a modern and civilized society, the Kingdom of Morocco had subscribed since its return to independence to the United Nations Charter and the Universal Declaration of Human Rights and had ratified the two international conventions on human rights. It had then undertaken to work out a code of penal and civil law based on both the precepts of Islam, which was the religion of almost all Moroccans, and modern legal principles, of which justice, equity and tolerance were the common denominators. The 1972 constitution, which was still in force, confirmed the primacy of law and the importance of the establishment of a lawful state respecting human rights and fundamental freedoms.

(Mrs. Bennani, Morocco)

17. As a part of the consolidation of the rule of law in Morocco, King Hassan II had on 8 May 1990 established an Advisory Council on Human Rights representing all national political and trade union movements to monitor respect for human rights throughout the kingdom. Administrative courts would be established in all the regions to combat any abuses of power by the authorities. Moroccan citizens would thus be able to complain to that supreme authority, which was made up of persons known for their integrity, their impartiality and their devotion to the cause of justice and respect for human rights.

18. The prevention of crime and the fight against the spread of juvenile delinquency must be supported by social justice and equity in order to prevent arbitrary rule and despotism, the enemies of democracy and human rights, which were fundamental values for any modern and civilized society wishing to ensure peace, stability and economic and social progress.

19. In view of the interdependence of the interests of the States making up the international community, the Kingdom of Morocco wished to co-operate with other countries and the United Nations to combat the rise of crime and the spread of juvenile delinquency and organized crime, to establish peace and security for goods and persons throughout the world and to contribute to the extent that it could to the establishment of a peaceful, just and prosperous world.

20. Mr. BONNEMAISON (France), speaking on agenda item 100, said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had demonstrated how fundamental the problem of crime was both for development - since a real state of internal war existed in some countries paralysed by terrorism, drug trafficking and massive corruption - and for democracy - because, faced with growing insecurity, people might turn to authoritarian solutions. Emphasizing the value of the discussions of the Congress and the scope and usefulness of the resolutions adopted, he drew attention to the most innovative themes and especially the desire to reinforce individual rights shown in the resolutions dealing with minimum standard rules for custodial and non-custodial treatment of offenders. His delegation welcomed that development, which was in conformity with the humanistic principles which had inspired the Universal Declaration of Human Rights but did not compromise the firm resolve to combat crime.

21. His delegation noted that a resolution had been adopted for the first time on the prevention of urban crime. That initiative was important because massive urban delinquency was one of the basic causes of the insecurity felt by city-dwellers. Faced with the failure of policies based solely on the strengthening of repression or on social action, local initiatives to deal with delinquency had gained increasing support among decision-makers in recent years. Moreover, cities were becoming increasingly important politically because of their growing economic and social role and the increasing transfer of responsibilities to local elected officials. The emergence of local policies for the prevention of delinquency was also a response to the development of social needs themselves. People were much more concerned with minor and middle-level delinquency than with terrorism or large-scale crime. They were increasingly aware that the solution to those problems lay in the rehabilitation of deteriorated neighborhoods and greater

(Mr. Bonnemaison, France)

involvement of the young in community life rather than in the strengthening of police forces or stricter justice.

22. The resolution on the prevention of urban crime seemed to embody two major objectives: to bring all the participants in the struggle against crime together to decide jointly on the implementation of specific measures, and to establish at the local level global strategies encompassing prevention, control and solidarity with crime victims and enjoying the support of regional and national authorities.

23. His delegation then recapitulated the priorities to be observed in implementing the United Nations crime prevention programme. Since the needs of Member States varied, reflecting their differing levels of development and the varied nature of the problem of crime, care must be taken to devise appropriate solutions in each case. His delegation, which was fully aware of those difficulties, intended to play an active role in the consideration of those issues. The needs expressed by States seemed to suggest two priorities: the development of technical co-operation to assist developing countries; and the promotion of exchanges of information among practitioners on both the success and failure of measures tried in practice. In that connection, France welcomed the encouragement given by the Congress to the convening, at Paris, from 18 to 20 November 1991, of the Second International Conference on Urban Safety, Drugs and the Prevention of Crime, which would provide a follow-up to the exchanges between towns begun at the Montreal Conference, held in 1989. His delegation also supported the reference in the resolution on the prevention of urban crime to the creation of an international foundation for the prevention of crime, which would associate practitioners in charge of the formulation and the implementation of national and local policies on crime prevention and facilitate exchanges of information and technical co-operation. His delegation wished to contribute to future work in that area.

24. He fully endorsed the Congress resolution on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice, and commended the Committee on Crime Prevention and Control for its work. The resolution was significant in that it offered a sound method of work which would make United Nations activities more effective. France intended to contribute to the work of the intergovernmental group entrusted with producing a report proposing more effective international co-operation against crime. His delegation would place itself at the disposal of the United Nations by participating actively in organizing the ministerial meeting to consider the report of the intergovernmental working group, and did not exclude the possibility of offering to host the Conference. Yet while activities should be geared to the priorities stated, the question of United Nations machinery to combat crime must also be considered. In that connection, he commended the significant work of the Crime Prevention and Criminal Justice Branch, which, however, no longer seemed to have the means to meet the objectives established by the Eighth Congress.

25. Turning to agenda item 95, he referred to humanitarian assistance to victims of natural disasters and similar emergency situations. In that connection there

(Mr. Bonnemaison, France)

was a need for new approaches and developments to defend and promote human rights, and his delegation intended to play an active role and pursue further endeavours in that domain.

26. The peoples of the world lived in fear of a sudden upheaval or gradual change in the natural, climatic, economic and ecological balances governing their existence. They must be protected against the potentially catastrophic consequences of such phenomena. That was why the need for assistance and emergency relief for victims constituted an ongoing need and a duty for all countries. The question could not be tackled from a humanitarian standpoint alone; its various aspects, including respect for and promotion of human rights, must be considered. Moreover, the question had been before the Committee for several years. As early as 1981, the Jordanian delegation, to which France paid tribute, had proposed that the Committee should consider the definition of a new international humanitarian order. The Secretary-General, in a number of documents, had reported to the Third Committee on consultations with States and international agencies. Several recommendations emerging from those initiatives had already been taken into account by France, which was endeavouring to implement them in accordance with its humanitarian tradition. Nevertheless, the Committee must continue to explore every means whereby the United Nations might contribute to guaranteeing men and women the full exercise of their inalienable rights. It was in that spirit that the French Government had, at the forty-third session of the General Assembly, together with 35 other countries, sponsored a draft resolution on humanitarian assistance to victims of natural disasters and similar emergency situations. Adoption of that text had undoubtedly represented a decisive step forward in providing international relief to victims, as demonstrated by several major relief operations over the past two years.

27. His delegation thanked the Secretary-General for the report he had prepared in accordance with General Assembly resolution 43/131 on the basis of an in-depth inquiry made by the United Nations Disaster Relief Co-ordinator of States and governmental, intergovernmental and non-governmental organizations (A/45/587). The inquiry revealed both the general awareness of the imperative importance of humanitarian assistance and the gulf remaining between intentions and commitments and activities. His delegation fully endorsed the proposals contained in the report and wished to make an active contribution to their implementation, including implementation of the Secretary-General's idea for the gradual and concerted establishment of relief corridors for the delivery of medical and food assistance to the victims of disasters and similar emergency situations. His delegation had already begun consultations with the co-sponsors of resolution 43/131, with a view to incorporating the new elements contained in the report of the Secretary-General in the draft resolution to be submitted at the current session, in order to consolidate the gains made under the preceding resolution and to further progress in a specific and pragmatic manner so as to continue the construction of the new international humanitarian order. Without underestimating the magnitude of the task before it, the United Nations must promote, co-ordinate and deliver the humanitarian assistance to which so many men and women and organizations throughout the world devoted their efforts.

28. Mr. MARKS (United States of America), with reference to agenda item 100, said that his delegation would like to present its views concerning the 13 draft resolutions recommended to the General Assembly for adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In particular, he drew attention to draft resolution 2, entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", which had grown out of a request by the Committee on Crime Prevention and Control for the development of a totally new international crime and justice programme encompassing all the functions necessary to help countries combat problems of national and transnational crime. In the draft resolution, the Eighth Congress had proposed a mechanism for creating a new programme for international co-operation in relation to crime and criminal justice by advocating, firstly, the establishment of an intergovernmental working group, and, secondly, the convening of a ministerial meeting to develop the necessary structure and direction. Given the magnitude of the problem and the inadequacy of current approaches, his delegation hoped that that proposal would command broad support.

29. The fundamental importance of the proposal called into question the desirability of giving immediate consideration to the other draft resolutions submitted by the Eighth Congress to the General Assembly. There was no question of minimizing the importance of those texts, which accorded with recommendations contained in the Milan Plan of Action. The Milan Plan committed the United Nations to concentrating its limited criminal justice resources on developing a more effective response to the most serious forms of transnational crime (organized crime, narcotics trafficking, terrorism). Notwithstanding the significance of the other drafts, the General Assembly should consider whether it would not be wiser to await the fundamental restructuring of the crime and justice programme so that new initiatives could be adapted to the structures and priorities of the new programme.

30. His delegation paid a tribute to the professional quality of the work of the Secretariat's Crime Prevention and Criminal Justice Branch and the related work of the United Nations institutes. It noted, however, that Governments had been minimally involved in the preparation, and still less in the drafting, of the many resolutions produced by the Congress and that the Committee on Crime Prevention and Control itself had only been able to devote very limited time to that task. Even the Governments represented had been unable to give in-depth consideration to each of the 45 resolutions and decisions adopted. Those instruments needed to undergo thorough review and analysis by Member States and by the Secretariat before adoption by the General Assembly and, in some cases, publication in the United Nations official compilation of human-rights instruments. Indeed, consideration needed to be given to submitting several items to the Sixth Committee for review, not only because of their legal nature but because that Committee had recently engaged in relevant work, especially on imprisonment and detention.

31. In conclusion, his delegation urged the Third Committee to concentrate its efforts on reform and rationalization of United Nations activities in the area concerned by taking action on draft resolution 2 without adopting new instruments or model treaties which Member States and experts had not had an opportunity to study and perhaps improve. In any event, the United States Government was working

(Mr. Marks, United States)

on substantive proposals which it would wish to make if the Committee decided to act on the other draft resolutions as well.

32. Mr. ZAWACKI (Poland), speaking on agenda item 100, said that despite all its efforts to combat crime and the economic problems out of which crime obviously arose, Poland was far from having found a solution.

33. Hoping to profit from the experience of other countries, Poland had taken an active part in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the recommendations and resolutions of which it fully supported.

34. Although the problems concerned were for the time being unknown in Poland, it was particularly interested in the implementation of the Eighth Congress' proposals on national and international action to combat transnational crime and especially organized crime and terrorism. All the factors conducive to those two types of criminal activity (including technical advances in transport and communications and the computerization of banking systems) were also a sine qua non of political, economic and social development, so that by choosing to develop, Poland would be exposed sooner or later to that type of crime. If the process could not be stopped it must at least be controlled. However, the problem was highly complex, not only because action must be taken in several branches of law (criminal law, economic and financial law, customs law and foreign-exchange regulations), but also because all the law-enforcement agencies were undergoing deep changes aimed at creating a new criminal-justice system. Poland had, however, included provisions concerning terrorism in the new criminal code that it was preparing.

35. United Nations standards and guiding principles in regard to crime prevention and criminal justice were extremely useful because they were based on universal values and also because they helped in the development of internal systems of criminal justice. Direct co-operation between agencies of criminal justice and States, governed by international conventions and bilateral agreements, was also of great value. Poland, which was a party to a great number of international conventions, had also entered into many agreements for mutual legal assistance. It co-operated in the work of the Helsinki Institute for Crime Prevention and Control.

36. Since the implementation of United Nations rules by many Member States left much to be desired, it would seem reasonable to concentrate on the effective implementation of the existing rules rather than strive to elaborate new ones.

37. Ms. BACH-TOBJI (Tunisia), speaking on agenda item 94, emphasized the growing interest accorded by the international community to the right to development, currently recognized as an inalienable human right. The Declaration on the Right to Development, adopted in 1986, was a further contribution to the various legal standards and instruments establishing the connection between development and other human rights. In that context, Tunisia reiterated its support for articles 1 and 3 of the Declaration; article 3 laid down that States had the primary responsibility for creating conditions favourable to the realization of the right to development.

(Ms. Bach-Tobji, Tunisia)

38. Since human rights were indivisible, it was necessary, in order to eliminate those obstacles that still hampered the implementation of the right to development, to institute an integrated and global approach at the national level consisting of policies and measures in the various sectors of human activity, which could not be done without free choice by the population of the mode of development or without that national mobilization which was the fundamental condition for real development; such a mobilization was possible only if the individual exercised his freedom and his rights to the full, thus creating in him the spirit of initiative and the will to participate without which there could be no collective development effort.

39. The objectives of development could only be achieved in an appropriate international environment and it was therefore necessary to seek to eliminate sources of tension and all situations in which human rights were denied (foreign domination, racism, apartheid), and to bring about peace, security and disarmament. The right to development also depended on a more equitable international economic order, which pre-supposed a solution of the problems of the economic imbalance between North and South, of foreign debt and of the deterioration of the terms of trade.

40. Her delegation had been gratified by the convening in January 1990, in accordance with Commission on Human Rights resolution 1989/45, of the Global Consultation on the Realization of the Right to Development as a Human Right, and endorsed the recommendations put out as a result of that Consultation (E/CN.4/1990/9/Rev.1), in particular the following: (i) United Nations supervisory bodies in the field of human rights should include special comments and recommendations regarding the right to development in their review of the periodic reports of States parties; (ii) the Secretary-General should appoint a committee to review the progress made in the implementation of the right to development; (iii) an overall programme of assistance to States should be established to facilitate the implementation of the right to development.

41. Mr. VEUTHEY (International Committee of the Red Cross) said that the new international humanitarian order was based on human solidarity in an international society and that the promotion of the well-being of individuals should not be limited to scientific, political and economic progress but should extend to the humanitarian field. The Independent Commission on Humanitarian Issues, in whose work the International Committee of the Red Cross (ICRC) had participated, had been clear in that respect. The Commission's recommendations applied in varying degrees to ICRC, to the League of Red Cross and Red Crescent Societies and to the societies themselves, and some of the recommendations in respect of medical and social aid and assistance to migrants and stateless persons had already been put into effect. ICRC for its part was closely interested in those recommendations aimed at reinforcing protection by certain categories of the victims of conflict, such as civilian populations and non-combatants, who were entitled to respect for their lives and physical and moral integrity in all circumstances without distinction. It also endorsed the Commission's proposals calling for the ratification by all States of the 1977 additional Protocols to the 1949 Geneva Conventions, for the

(Mr. Veuthey)

strengthening of the role of the United Nations in promoting respect for international humanitarian law, for mobilizing the media and the non-governmental organizations in favour of the implementation of that law and for the adoption of texts incorporating its provisions in national domestic legislation. It also repeated its appeal to States to accede to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects.

42. ICRC wished to emphasize that Governments should make the rules and principles of humanitarian law better known to the entire public, starting with the armed forces, political authorities and universities, as required by the 1949 Geneva Conventions, and to remind Governments that it was ready to help them in their task. In that respect, he commended the co-operation initiated with the United Nations Centre for Human Rights in the area of information. In connection with the conclusions and recommendations of the Commission, he said that the warnings sounded by Governments against any action which might inadvertently weaken the existing law and the guarantees and protection it provided were, in the opinion of ICRC, justified.

43. As for situations which were not covered by the International Humanitarian Law, ICRC found that the Commission's proposal concerning the preparation of a draft code of humanitarian conduct which would be applicable everywhere, at all times, in all circumstances and in respect of everybody was deserving of consideration, provided that the code was accepted by governments by consensus and did not weaken the existing law. At present, ICRC acted under bilateral agreements with countries when it intervened in situations not covered by the Conventions.

44. ICRC had noted with interest the Commission's recommendations designed to strengthen assistance to displaced persons who were not protected by the existing conventions on refugees. Those recommendations provided a useful complement to the International Red Cross policy on aid to refugees adopted at Manila in 1981.

45. The Commission's detailed conclusions and recommendations concerning the management of disasters, in particular the need to have greater recourse to concerted action and to strengthen international co-operation in order to increase the efficaciousness of relief operations while at the same time abiding by the terms of reference of the respective organizations were of direct concern to ICRC, the League of Red Cross and Red Crescent Societies and the Societies themselves and deserved careful study.

46. Mr. MONTALVO (Ecuador) said the effective enjoyment of human rights and fundamental freedoms, the establishment of a new international humanitarian order and the prevention of crime and the treatment of offenders had one thing in common - they all depended on international co-operation and solidarity. With regard to the first of those topics and the right to property, in particular, he said the Constitution of Ecuador guaranteed the right to private ownership if its exercise as a fundamental right was viewed as having social value in that it favoured personal fulfilment, and not as an end in and of itself. His Government

(Mr. Montalvo, Ecuador)

was, moreover, firmly convinced that every nation had the right to development and that the process of development was inconceivable unless all the fundamental human rights were respected. Having taken note of the conclusions and recommendations of the global consultation on the right to development, he expressed concern with regard to the obstacles which still stood in the way of the application of the right to development as a human right. On the other hand, he commended the information activities undertaken by the United Nations in the field of human rights since he felt they provided a way of spreading knowledge concerning human rights and a means of ensuring the practical application of one of them - the right to information. Since information had a leading role to play in the promotion of development as a human right, the necessary resources must, in so far as possible, be devoted to it, and, in addition, the programmes and activities of the United Nations Centre for Human Rights should be expanded and diversified, as should the Department of Public Information.

47. With regard to the establishment of a new international humanitarian order, he said that Ecuador supported all regulatory initiatives taken in that connection and also those whose aim was to improve upon and expand international co-operation in the humanitarian field. Since Ecuador itself had been the victim of many natural disasters throughout its history, it was bound to understand and support action designed to cope with unexpected situations or cases of force majeure. It endorsed the remarks made by the United Nations Disaster Relief Co-ordinator concerning the rapidity and efficaciousness of disaster relief and the high priority which should be assigned to it. The idea of creating a permament fund for immediate humanitarian assistance and giving specialized non-governmental organizations a leading role to play in relief operations was also very wise in his delegation's estimation. In that connection he said Ecuador wished to pay a tribute to the work accomplished by the Office of the United Nations Disaster Relief Co-ordinator, the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, whose very encouraging report, contained in document A/45/12, showed what could be done when men acted out of generosity and good will. The report of the Secretary-General on the new international humanitarian order (A/45/524) also made a very useful contribution to the application of General Assembly resolutions and the implementation of national policies not only in the realm of relief but also in connection with disaster prevention.

48. Criminal justice and crime prevention were among the priority concerns of the Government of Ecuador. Thus, at domestic level, Congress was studying a new penal procedure code to facilitate and accelerate the administration of justice. At the external level, Ecuador had approved, with no reservations, the second Optional Protocol to the international Covenant on Civil and Political Rights, which had been adopted the preceding year and related to the abolition of capital punishment, and had been the first country member of the Organization of American States to ratify a similar protocol to the American Convention on Human Rights. His delegation felt, however, that the increase in all forms of criminality should be viewed within the context of the economic and social crisis experienced by the developing countries and that it would not abate until the problem of poverty in those countries had been settled. To deal with drug-related crime, international

(Mr. Montalvo, Ecuador)

crime and other new and advanced forms of criminality, there was need for extensive international co-operation which operated at a remove from the traditional concept of justice, favouring innovative measures which struck at the social and human roots of the problem and at its judiciary aspects, were geared more to prevention and less to repression and viewed the punishment of offenders as a means of social and human rehabilitation. The eighth Congress on the Prevention of Crime and the Treatment of Offenders had shown originality and far-sightedness in that respect. It had helped to establish a more fair and humane penal system. In that connection, he said that Ecuador reaffirmed its support, based on its beliefs and legal tradition, of the draft aimed at putting a moratorium on the death penalty. Having abolished the death penalty years ago, it felt that the right to life was the most important right of any human being and by definition could not be tampered with for any reason at all, even for reasons of sanction. In spite of all the philosophical, moral, legal and other arguments in support of the abolition of the death penalty, the draft had unfortunately not been adopted at Havana. Ecuador hoped, however, that it would be taken up again and adopted by the Third Committee.

The meeting rose at noon

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
27th meeting
held on
Wednesday, 31 October 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 27th MEETING

Chairman: Ms. COOMBS (New Zealand)
(Vice-Chairman)

CONTENTS

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

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Distr. GENERAL
A/C.3/45/SR.27
6 November 1990

ORIGINAL: ENGLISH

90-56712 2900S (E)

In the absence of the Chairman, Ms. Coombs (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.35 p.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/45/523, A/45/590, A/45/640; E/CN.4/1990/9/Rev.1)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/45/524, A/45/587)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/45/3, chap. V, sect. C; A/CONF.144/28; A/45/203, A/45/205, A/45/207, A/45/216, A/45/222, A/45/225, A/45/254, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/275, A/45/280, A/45/324, A/45/338, A/45/381, A/45/629)

1. Mr. BARKER (Australia), speaking on behalf of Australia, Canada and New Zealand, said that public information activities, which were a key factor in raising public awareness and preventing human rights abuses, represented a vital part of the overall United Nations human rights programme. While it had sometimes been critical in the past of the reports submitted by the Secretary-General on the World Public Information Campaign for Human Rights, his delegation welcomed the current report (A/45/590), which gave a comprehensive picture of activities in that sphere being carried out within the United Nations system and by other organizations.

2. The level of activity in publicizing human rights had reached a new level, due to efforts by the Centre for Human Rights and the Department of Public Information. The recent tendency to present United Nations activities more openly and as a universal concern, rather than that of a limited group of countries, was also encouraging.

3. At the same time, public information activities could be strengthened even further in three ways: increased use of the media for the dissemination of basic information on human rights, with particular emphasis on the incorporation in United Nations radio programmes of materials published at Geneva; wider distribution of United Nations material, including the texts of basic human rights instruments and clear explanations of United Nations bodies and procedures; and an active approach to dissemination of material.

4. The observance of all fundamental human rights would benefit from a higher literacy rate, by which individuals gained not only greater freedom of expression but also increased ability to participate in decision-making and the political process. The commendable efforts made in 1990 to eradicate illiteracy must therefore continue. Furthermore, basic reading skills went hand in hand with human rights education: from the start, teachers should foster in children a sense of self-worth and social tolerance. His delegation recommended the use of the UNICEF

(Mr. Barker, Australia)

teaching booklet on human rights as well as other books and materials on human rights designed for children at the elementary school level. Lastly, his Government wished to commend the Secretary-General for proclaiming a human rights and literacy day in December 1990.

5. It was a matter of concern that the increase in human rights activities had stretched the available resources to the limit. Because it was according greater attention to the issue of human rights, the United Nations had come to be considered as the primary forum for consideration of issues in that area. In the light of that situation, the work-load of the Centre for Human Rights could only increase and, for that reason, his delegation supported interim measures to assist the Centre to carry out its activities during the current biennium. Moreover, the current 0.7 per cent of the United Nations budget allocated to the Centre would not in the long-term be adequate for it to fulfil its mandate.

6. Mr. HENNESSY (Ireland) said that, as demonstrated by the report (A/45/629), the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has been a productive meeting, culminating in a set of draft resolutions and decisions recommended for adoption by the General Assembly. His delegation attached particular importance to the draft texts relating to non-custodial sanctions, the prevention of juvenile delinquency and the protection of juveniles deprived of their liberty. It particularly welcomed the emphasis on education and rehabilitation in the context of a supportive community, believing that reintegration into society must remain a primary goal.

7. The draft resolution containing the basic principles for the treatment of prisoners extended the positive efforts of previous congresses and complemented other sets of standards in that sphere. His Government particularly welcomed the resolution's reaffirmation that, aside from limitations necessitated by the fact of incarceration, all prisoners should continue to enjoy the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, the International Covenants and other international human rights instruments. In that connection, it was appropriate to emphasize the inalienable character of the right to life and other fundamental human rights. Credible reports reached the international community each year of serious human rights violations against persons in prison perpetrated by or with the acquiescence of the State. Failure to establish in the custodial care field a regulatory system based on internationally recognized norms and to monitor its implementation was a major cause of human rights abuses.

8. The model treaties contained in the report of the Eighth Congress would be of benefit to many Member States. His delegation also endorsed the adoption of the draft resolutions and decisions relating to domestic violence, the use of children in criminal activities, and the need for a review of United Nations work in the area of crime. Such a review should stress the connection between United Nations efforts to combat crime and its work in the areas of social policy, narcotics and human rights.

(Mr. Hennessy, Ireland)

9. His Government wished to express its appreciation to the Government of Cuba for its contribution to the smooth functioning of the Congress. It was regrettable, however, that duly accredited representatives of a non-governmental organization in consultative status with the Economic and Social Council had been prevented by Cuban authorities from participating in the meeting. The Secretary-General should see to it that similar problems did not arise in the future.

10. His delegation had followed with interest the public information activities in the field of human rights carried out by the Centre for Human Rights and the Department of Public Information. Having emphasized in the past the need for a more implementation-oriented approach, it was pleased to acknowledge signs of progress in that regard, for example, the fact that the major human rights instruments were currently available in all the official United Nations languages. In that connection, his delegation would appreciate information on the number of copies distributed in each language and the number of those texts in stock. While welcoming the fact that United Nations information centres were committed to carrying adequate stocks of reference materials, it believed that the centres should take a more active role and, as recommended by the Secretary-General, be mandated to receive complaints of human rights abuses, which would then be transmitted to the Centre for Human Rights. That proposal could be considered by the Committee on Information in its review of the activities of the information centres.

11. The Commission on Human Rights had an important role to play in an increasingly active human rights campaign. The decisions by the Economic and Social Council, at its first regular session in May 1990, to enlarge the membership of the Commission and to improve its procedures should enable the Commission to operate even more effectively than in the past. The provision for intersessional meetings was also a step forward and should enable the Commission, inter alia, to respond more promptly to cases of human rights abuses.

12. Enlarging the Commission would add to the ever-increasing demands on the Centre for Human Rights. For that reason, it was essential that the resources available to the Centre should be significantly expanded beyond the current figure. As a first step, a large proportion of the posts available for redeployment in the United Nations system should be allocated to the Centre.

13. Mr. INDERJIT (India) said that the Declaration on the Right to Development was a milestone in the promotion of fundamental human rights. It was of particular relevance to India, where the right to development had long been a part of the public consciousness.

14. The Secretary-General's report on the Global Consultation on the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1) contained many valuable ideas, in particular those relating to international action to promote the right to development. His Government wished to emphasize the report's conclusion that all United Nations assistance and co-operation should be provided through an overall

(Mr. Inderjit, India)

programme of assistance, which should include specific requirements regarding all aspects of the right to development, to be drawn up with each country.

15. Development, peace and human rights were inextricably linked together. As a developing country, India wished to stress that development was not only an individual but a national concern. In many cases, the underprivileged were prevented by objective reality from improving their situation. The State and other organizations thus had to play a supportive role, by ensuring that the population was provided with certain basic elements including health care, food and shelter. Government investment in social development was profitable since it would lead to the growth of human resources; at the same time, it did not in any way lessen individual responsibility.

16. In general, the right to develoment consisted of two main aspects: taking the individual into account in development planning and ensuring that development was regarded as a basic human right. It was also clear that development was not possible without the enjoyment of all the fundamental human rights.

17. According to the Secretary-General's report (A/45/587), the provision of humanitarian assistance following natural disasters and other emergencies was likely to become an increasingly important aspect of international relations. The recent joint Committee for Programme and Co-ordination/Administrative Committee on Co-ordination (CPC/ACC) meeting had resulted in some useful suggestions, including that of strengthening the structures of the International Decade for Natural Disaster Reduction. It would also be appropriate to examine the problems in the existing system and to identify methods already available for solving them, drawing upon the wide experience of States in handling natural disasters.

18. Mr. ORDOÑEZ (Philippines) said that there had been significant political and administrative changes in his country in the past four years. The 1987 Constitution had fully restored democratic institutions and processes and reflected United Nations principles for crime prevention and criminal justice in the context of development. His Government was carrying out legal reforms relating to the treatment of offenders, juvenile justice and the independence of the judiciary. The Philippine Congress was currently considering a bill to establish a national civilian police force. The 1990 National Crime Prevention Programme aimed at ensuring due process, eliminating judicial delays and safeguarding human rights by setting up a sound criminal justice system.

19. National efforts to combat organized crime, terrorism and economic crimes had been intensified. In the transition towards a constitutional democracy and economic recovery, his Government had adopted a two-pronged approach aimed at ensuring full application of the State's police powers and implementing development and community-oriented programmes to address the social causes of crime. A recent law had been adopted making rebellion and coup d'états capital offences punishable with life imprisonment.

(Mr. Ordoñez, Philippines)

20. Strategies to combat economic crimes had also been adopted in order to retrain personnel in the government agencies concerned, improve technical services through computerization, introduce measures to reduce corruption and raise public awareness to combat corruption. Peace and order councils, composed of governmental and non-governmental organizations, sought to increase public support for anti-corruption measures and served as mechanisms for carrying out the national programme to prevent crime, terrorism and disruption of public order.

21. The Philippine medium-term development plan for 1988-1992 gave priority to the maintenance of peace and order so that development activities could be carried out effectively. Under the plan, local government officials exercised greater supervision and control over the police services in their areas.

22. His delegation attached the utmost importance to the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and supported the establishment of an intergovernmental working group by the General Assembly to elaborate proposals for an effective crime prevention and criminal justice programme. The international community must continue practical co-operation to enable all countries to eliminate the scourge of crime.

23. Mr. FONTAINE ORTIZ (Cuba) said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had demonstrated the unlimited possibilities of international co-operation when civilized nations set aside their political and ideological differences in order to take concerted action. The participants in the Congress had been able to see how the Cuban criminal justice system functioned by visiting penitentiaries, talking with persons from various sectors of Cuban society and directly observing the country's economic and social development projects. The Cuban criminal justice system was based on a social approach that emphasized crime prevention, due process, the role of the masses in crime prevention and the treatment of offenders, and alternatives to imprisonment. Priority was given to rehabilitating offenders so that they could find work and be reintegrated into society.

24. It was gratifying to note that the Congress had focused on the link between crime and underdevelopment. In that connection, he stressed the overriding importance of the recommendations set forth in the draft resolution recommended for action by the General Assembly entitled "International co-operation for crime prevention and criminal justice in the context of development". In the case of developing countries, economic growth and social development served to reduce criminality. That was the thrust of the resolution entitled "Social aspects of crime prevention and criminal justice in the context of development".

25. Concerted international action was required to deal with transnational criminal activities such as economic crimes, drug trafficking, terrorism and crimes against the environment. Such action should not, however, lead to violations of international legal norms or be used as a pretext for resorting to the very dangerous expedient of the extraterritorial application of a State's domestic law. The current trend of permitting strong countries to impose their will on small or

(Mr. Fontaine Ortiz, Cuba)

weak countries was cause for serious concern. That practice was also an international crime and must be prevented through genuine international co-operation.

26. Drug trafficking, by virtue of its magnitude and social cost, constituted a threat to the internal stability of States. Accordingly, a concerted international campaign to combat drug-related crimes was essential. International co-operation and national efforts were needed to prevent juvenile delinquency and should focus on the creation of educational opportunities, access to work and culture, and the suppression and control of criminal organizations, particularly those involved in drug trafficking and consumption. In that connection, he drew attention to the draft resolution entitled "Instrumental use of children in criminal activities". Concrete measures must be taken to create the necessary social and economic conditions in which children could grow and develop in a crime-free environment. Other questions such as the prevention of urban crime, the role of criminal law in the protection of nature and the environment, computer-related crimes, international terrorism and violence in the home must continue to be given due attention by the international community.

27. Referring to agenda item 94, he stressed the need to avoid narrow, individualistic approaches to the question of human rights and bear in mind the principles set forth in the relevant resolutions of the Commission on Human Rights and the General Assembly concerning the indivisibility of the various categories of human rights, including the right of peoples to self-determination, territorial integrity and sovereignty over their natural resources as well as the right to development.

28. At the current time, there was an attempt to portray private property as a panacea for the world's problems. History, however, demonstrated that those problems were more complex and must be tackled within the economic, social, cultural and political context of all existing systems, taking into account the general interests of society, particularly those of the developing countries. Private ownership of property must be regulated in accordance with the national legislation of States and the sovereignty of States over their natural resources must be strictly respected. Peoples had the right to choose freely their political, economic and social systems, including those based on property ownership, provided that it did not impede the exercise of that right. The report of the Secretary-General in document A/45/523 was based solely on General Assembly resolution 43/123. His delegation would like to know why General Assembly resolution 43/124, which also set forth important principles relating to that question, had not been taken into account. Lastly, he stressed that an attempt to impose one type of property over others constituted interference in the internal affairs of States.

29. Mr. RAVEN (United Kingdom) said that the United Nations had an important role to play in promoting exchanges of information, developing proposals for reducing international crime, securing the highest standards of justice and providing technical assistance to developing countries. Many of the resolutions adopted at

(Mr. Raven, United Kingdom)

the Eighth Congress contributed to those objectives. The United Kingdom, while supporting some of the resolutions in particular, had no serious objections to any of the others, but was deeply concerned about their cumulative effect as a programme of work. Their implementation would require a substantial increase in resources and place an additional burden on regional and interregional institutes and on the Committee on Crime Prevention and Control. The agenda for the Ninth Congress was already becoming very long and complex, and the programme proposed created extra work for the criminal justice administrations of Member States, many of which, including that of the United Kingdom, would have great difficulty in making the contributions required.

30. The answer was to put the tasks involved into an order of priority and to tailor the programme to the existing resources. The General Assembly had approved three criteria for the determination of the priority of an objective: its importance to Member States, the Organization's capacity to achieve it and the real usefulness of the results. Those criteria should be rigorously applied in calculating the programme budget implications of crime prevention and criminal justice.

31. The danger lay in the possibility that all the resolutions would be adopted without considering their priority, with the result that the resources available might be dissipated. In order to concentrate action on those parts of the programme which were most likely to have productive results for all States, the delegation of the United Kingdom at the Congress had proposed the decision in which the Secretary-General was requested to give priority to specific practical measures for combating international crime, promoting and implementing existing standards and instruments, and providing technical assistance to developing countries. His delegation regretted that that decision was not adequately reflected in the report of the Congress (A/CONF.144/28).

32. He congratulated the Cuban authorities on the way in which they had hosted the Congress but expressed his delegation's concern regarding a number of Cuban citizens accredited to an NGO who had not been permitted to attend the Congress in spite of entreaties by the Secretary-General himself.

33. Mr. SARDENBERG (Brazil) said that the revitalization of economic growth and development in the developing countries was the most important challenge for the 1990s. The right to development was basic to the promotion of all human rights, and economic and social progress must accompany political progress. In its efforts to promote human rights the international community must also work to reverse the deteriorating standards of living in developing countries and to remove all obstacles to economic and social development. Human rights were interdependent and indivisible, and international efforts should not focus on one particular category of rights or on particular regions of the world.

34. Peace, security, co-operation and democracy must be built on solid economic and social foundations. Countries facing economic difficulties could still strengthen their democratic institutions, but rapid development was not a

(Mr. Sardenberg, Brazil)

fool-proof guarantee of respect for human rights. Still, economic factors had an influence on the enjoyment of all civil rights, including civil and political ones. The Committee's task was to help create an environment in which democracy and human rights could flourish in a permanent and irreversible manner, but lack of a favourable environment could not excuse violations of human rights and freedoms. Responsibility for the observance and protection of human rights was an absolute moral imperative that transcended the problem of development. There were, nevertheless, many examples of how democracy could be jeopardized because of civil strife arising from economic hardship and of how war could undermine the right of independent development; hence the need for stable institutions operating under the rule of law.

35. A social and international order must therefore be established that would be conducive to the full enjoyment of human rights and fundamental freedoms. One useful step would be to heighten awareness of the impact of the economic problems of the developing countries on the enjoyment of human rights. An in-depth intergovernmental study of the question should be made, with recommendations on how to deal with those economic problems in such a way as to promote democracy and human rights. Both UNICEF and the World Summit for Children had done exemplary work in that connection. Non-governmental organizations, which played a crucial role in revealing and correcting human rights violations, could also do more to sensitize world opinion to the importance of the right to development and the favourable impact economic development would have on human rights throughout the world, particularly in developing countries.

36. Mr. RASTAM (Malaysia) welcomed the recommendations of the Eighth Congress (A/CONF.144/28) and hoped that the General Assembly, in adopting them, would keep in mind the need for a balanced approach to crime prevention that harmonized the requirements of society and the rights of the individual. Crime was an international problem and he therefore particularly endorsed recommendations 1 and 2. Computer-related crime had become an increasingly serious problem and his delegation therefore supported the Congress's resolution calling for wider international co-operation to deal with it, particularly paragraph 5 (b). The ideas, recommendations and proposals resulting from the Congress would help States to take appropriate action in crime prevention and criminal justice.

37. The question of the death penalty had caused some controversy at the Congress, and he said that any effort to set international standards applicable to all while disregarding the legitimate views and interests of different countries would undermine the prevailing spirit of co-operation. He therefore urged consultations to reconcile divergent views on the question.

38. His delegation had carefully studied the Secretary-General's report entitled "Humanitarian assistance to victims of natural disasters and similar emergencies" (A/45/587). His Government had a strong commitment to provide humanitarian assistance to the victims of natural disasters and similar emergencies and felt that the two important annexes in the report should be adopted so as to provide operational guidance to the international community for future action. The other

(Mr. Rastam, Malaysia)

proposals in the report also merited close attention. In recognition of the importance of the various issues related to humanitarian assistance, his country had agreed to sponsor a draft resolution on the question for adoption by the General Assembly.

39. Mr. OLIYNYK (Ukrainian Soviet Socialist Republic) said that the United Nations had an important role to play in the area of crime prevention and criminal justice and he welcomed the achievements of the Eighth Congress. Closer co-operation was needed between the organizations dealing with crime and crime prevention on the one hand, and the International Law Commission, the Commission on Human Rights and the Third and Sixth Committees, on the other. The Vienna Centre for Social Development and Humanitarian Affairs also had an important role to play in organizing international co-operation, particularly in disseminating information. He strongly endorsed the preparation and publication of a compilation of existing standards and guidelines in that area. Clear procedures for the formulation of norms, principles and standards of crime prevention and criminal justice were needed to improve the quality of documents and avoid duplication.

40. In his own country, perestroika was predicated upon legal reforms to ensure the supremacy of law in all areas. New criminal, administrative and corrective labour laws were being drafted to supplement the already enacted property, financial, taxation and environmental laws. To safeguard the political, economic and social rights of the individual, the relevant international legal norms had recently been given priority over the norms of domestic law. Criminal law was being redrafted to ensure conformity with the relevant international human rights agreements, including the international Covenants on Human Rights. Punishments must be proportionate to the nature of the crime and the criminal and designed to correct, re-educate and prevent further crime. His country's criminal code also contained special provisions requiring the relevant legal and judicial bodies to learn the causes of criminal activity and act to remove them.

41. Crime was an international problem and required international co-operation and an exchange of experience. The increase in crime in his own country reflected a comparable increase throughout the world, even though crimes of violence in the Ukrainian SSR were relatively rare. A country's criminal activity reflected its economic growth and development, and the most pressing problems in his country were corruption, racketeering, organized crime and hijacking. There was also an urgent need to prevent ecological crimes, such as the one that occurred at Chernobyl. The growth and nature of crime in his country would also be affected by eased travel restrictions, the establishment of a market economy, and the expansion of international economic contacts. His country therefore attached great importance to the crime prevention experience of other countries and was prepared to establish bilateral and multilateral contacts with the relevant organs of those countries.

42. Mr. WISNUMURTI (Indonesia) said that the recognition of the right of all people to development was essential to the enjoyment of all human rights. It was through development that humankind sought to meet its fundamental needs and to eradicate hunger, malnutrition, absolute poverty, disease and illiteracy. In that

(Mr. Wisnumurti, Indonesia)

connection, he mentioned the global consultation on the right to development convened at Geneva earlier in the year and attended by representatives of United Nations bodies, non-governmental organizations and various countries, including Indonesia. The conclusions and recommendations of that consultation provided a framework for action at the national, international and non-governmental levels. His Government was encouraged that the proposed International Development Strategy for the Fourth United Nations Development Decade recognized the need for improvement in the human condition in the developing countries, where the burden of indebtedness and structural adjustment had clear implications in terms of human rights.

43. With regard to the report of the Secretary-General on the development of public information activities in the field of human rights (A/45/590), he said that public information activities were public education activities in that they promoted understanding of the various aspects of human rights. His delegation was encouraged by the progress being made by the Centre for Human Rights and the United Nations Department of Public Information, which was basic to the success of the objectives of the World Public Information Campaign for Human Rights.

44. With regard to a new international humanitarian order, he said his delegation welcomed the report of the Secretary-General on humanitarian assistance of natural disasters and similar emergency situations (A/45/587) and the proposals it contained for facilitating humanitarian assistance in times of emergency. He drew attention in particular to the reference made in paragraph 45 to the regional co-operation between Indonesia and its neighbours.

45. At the Eighth Congress, a traditional approach to crime issues had been taken as reflected in the discussions and decisions resulting from them, and the instruments and resolutions adopted. The report of the Secretary-General (A/45/629) provided a useful summary of the recommendations and conclusions of the Congress. The international character which crime had assumed placed a particularly heavy burden on the developing countries, and international assistance was required in that respect. The United Nations was the most appropriate multilateral organization to facilitate such assistance, which could be supplied in the form of facilities and training as well as of funds. He also drew attention to the report of the Secretary-General on implementation of the resolutions and recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/45/324), in which Member States shared their experience in a useful way. The many declarations adopted by consensus at the Eighth Congress were a reflection of its success, and in that connection he commended the preparatory work done by the Committee on Crime Prevention and Control and the Crime Prevention and Criminal Justice Branch of the United Nations Centre for Social Development and Humanitarian Affairs, in spite of the restrictions under which all United Nations bodies operated.

46. In Indonesia recognized that crime was a multi-dimensional issue to which the rapid transformation of society, urbanization and breakdowns in family structures and in morality had greatly contributed. Moreover, poverty was a leading cause of

(Mr. Wisnumurti, Indonesia)

crime. For that reason, overall national socio-economic development was taken into account in the country's criminal justice strategy. An effort was being made to rehabilitate offenders by providing vocational training for them and by addressing their moral attitude through religious instruction. Indonesia was committed to enhancing the activities of the various sectors dealing with criminal activity, and priority was placed on legal awareness of the population, better technical training of the police and the provision of judicial services.

47. Mr. TATTENBACH (Costa Rica) said his delegation attached special importance to crime prevention and criminal justice as shown by the support his Government had given to United Nations efforts to deal with them. He took note of the data provided by the Chief of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna concerning the substantial increase in criminality throughout the world. Consideration of the information obtained in the Third United Nations Survey on Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies confirmed that, although the trend towards a rise in the crime rate had continued during the first half of the 1980s, the increase in the second half of that decade had been steeper. In addition, crime was rising faster than the other social indicators.

48. The recommendations and conclusions adopted at the Eighth Congress showed where action was most needed and indicated that international co-operation was essential in that connection. His delegation had examined the report of the Eighth Congress with great interest and had found that the quality of the work done by the participants and the Secretariat was commendable. The resolutions adopted reflected political decisions on the part of the participating Governments and focused on the need to promote practical action of a priority nature. It was now for the Member States and their Governments to implement the initiatives and recommendations adopted, and that was particularly true where the developing countries were concerned.

49. It was not that the developed countries were immune to the dangers of criminality, but they had the material resources to maintain a sustained effort to combat illicit and criminal activities, and their political and administrative structure was less vulnerable to criminal attack, whereas the developing countries were experiencing an unprecedented crisis, which was partly responsible for their greater social and administrative vulnerability. The international community must work to ensure that the Eighth Congress proved to be more than a mere exercise in rhetoric, which could happen if the Secretariat was not provided with the resources which were indispensable for the accomplishment of the mandates adopted by consensus.

50. Mr. ALI (Iraq) said that his country had been among the first to support United Nations efforts to improve the effective enjoyment of human rights and fundamental freedoms. Its legislation, which derived from the noble teachings of the Islamic Shariah and the humanitarian principles of the Arab community, guaranteed individual freedoms such as freedom of expression, the right to vote, the right to stand for election to the National Assembly, local assemblies or

executive assemblies in the Kurdish Autonomous Region, freedom of the press and the right to form political parties, in all cases regardless of religion, race or sex. The rights of citizens to practise their individual religious beliefs were protected by the Ministry of Awqaf and Religious Affairs, while the provision of equal opportunities in both education and employment had allowed many women to rise to the highest government positions.

51. On the international level, his country continued to respect and to apply all international laws and conventions relating to human rights and fundamental freedoms. It was for that reason that it continued to support the Palestinian people's struggle to exercise its legitimate and inalienable rights, including the right to self-determination and the right to establish its own independent State on its national soil under the leadership of the Palestine Liberation Organization. His country had condemned the Zionist entity's institutionalized suppression of the human rights of the Palestinian people and refusal to respect the will of the international community. It had also condemned that entity's close co-operation with the racist régime of South Africa.

52. The starvation embargo imposed by the United States and its allies on the people and children of Iraq also constituted a violation of human rights, including the right to life. The withholding of food and medicines from his people was incompatible with the Universal Declaration of Human Rights and the Charter of the United Nations and even ran contrary to the pertinent resolutions of the Security Council, which specifically excluded food and medicines from the embargo against his country. The aggressive actions of the United States and its allies constituted nothing less than a violation of the Convention on the Rights of the Child.

53. Mr. ALLAFI (Libyan Arab Jamahiriya) said that the right to development, as recognized in the Declaration on the Right to Development, was an essential human right which required particular attention in view of the ever-widening gap between the industrialized and the developing countries. While the importance of civil and political rights could not be denied, those rights would be meaningless if poverty, disease and hunger continued to threaten millions of human beings with the loss even of the right to life. If the international community really wished to achieve prosperity for all, it must view such prosperity as an indivisible whole and recognize the interdependence between civil, political, economic, social and cultural rights. It must examine closely all the obstacles to enjoyment of the right to development, recognize the rights of peoples to self-determination and permanent sovereignty over their natural resources, eliminate such flagrant violations of human rights as foreign occupation and settlement, racial discrimination and apartheid and respect the political, economic and social choices of individual States. In that connection, his delegation fully supported the conclusions and recommendations contained in document E/CN.4/1990/9/Rev.1, which constituted a valuable basis for the Committee's future work.

54. With regard to crime prevention and criminal justice, the Eighth Congress had yielded a series of conclusions and recommendations which constituted a major

(Mr. Allafi, Libyan Arab Jamahiriya)

qualitative leap in the strengthening of international co-operation against crime. It was all the more remarkable that so much should have been achieved in the framework of the Organization's crime prevention programme by a Branch which had been endowed with such modest resources. It was essential that recommendations to strengthen that programme should be put into effect immediately, beginning with the adoption of the draft resolutions and recommendations submitted by the Eighth Congress. While it was impossible for any nation to conquer crime on its own, his delegation was sure that joint efforts, under the auspices of the United Nations, would ensure success.

55. Ms. THORPE (Trinidad and Tobago) said that the Eighth Congress had highlighted a fact already recognized by previous Congresses, and by the General Assembly and the Economic and Social Council, namely, that the internationalization of crime had made it impossible for what was now a crisis situation to be solved by nations acting alone and independently. Her delegation believed that there was a need for the development of strategies to counter the problem, as well as the provision of additional resources in order to make the Crime Prevention and Criminal Justice Branch more effective in its response to the crisis. The Eighth Congress had recommended that the General Assembly initiate the implementation of a global crime prevention strategy and her delegation wished, in that connection, to endorse the proposal whereby a summit would be convened, to be preceded by an intergovernmental meeting of experts, to elaborate various proposals concerning an appropriate world-wide response to the global crime emergency. It was also prepared to support any other feasible mechanisms which would help the international community in its crucial fight against international crime.

56. Mr. COTIC (Yugoslavia), speaking in his capacity as Chairman of the Committee on Crime Prevention and Control, said he was pleased that a number of delegations had endorsed the work of the Committee and hoped that the consensuses reached by 127 delegations at the Eighth Congress would be repeated at the current session of the General Assembly. He thanked the representative of the United States of America, in particular, for expressing his delegation's appreciation of the enormous amount of useful work merging from the United Nations Crime Prevention and Criminal Justice Branch, which he had said was probably at the highest point since its creation.

57. He assured all the delegations, in particular that of the United States, that the Committee had given its most careful consideration to its preparation of the draft instruments submitted to the Congress, especially those recommended for adoption by the General Assembly. It had embarked on its work in that connection immediately after the Seventh Congress and continued it on the basis of the results of an expert meeting at which Governments had expressed their views. The instruments had then been sent to the Economic and Social Council before their submission to the Congress, where they had again been considered, first in informal consultations and then by all the participating delegations. Thus, the consensuses reached at the Congress had in fact been very well informed.

(Mr. Cotic, Yugoslavia)

58. He thanked the United States for the contribution its experts had made to the drafting of certain instruments, including the model treaty on extradition, and said he hoped its delegation would support the adoption in the General Assembly of all the instruments approved at the Congress.

59. Mr. FONTAINE ORTIZ (Cuba), speaking in exercise of the right of reply, said that certain delegations had made assertions concerning the conduct of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which he hoped were based not on bias but on lack of information. He would confine his remarks to the legal aspects of those assertions and avoid discussing any political implications.

60. In accordance with the agreement between the Organization and the Government of Cuba for the holding of the Congress, some 34 non-governmental organizations enjoying consultative status with the Economic and Social Council had attended the Congress. Among those organizations was the International League for Human Rights, whose representatives had received the necessary visas and been accorded the corresponding facilities. Although the League was not officially represented in his country, an attempt had been made to present three Cuban nationals as its members. A request for documentary evidence of such membership proved fruitless and one of the accredited representatives of the League had subsequently admitted to his country's Ministry of Foreign Affairs that the Cuban nationals had been designated as members without their knowledge or consent. His country had thus acted within its rights in rejecting the League's attempt to make improper use of its privileges.

61. Mr. MARKS (United States of America), speaking in exercise of the right of reply, said that his and other delegations were well aware of, and distressed by, the troubles affecting people in the Gulf region. The reason for those troubles, however, was Iraq's invasion of Kuwait. The remarks made by the representative of Iraq reminded him of nothing so much as the New York expression "chutzpah", which might describe the situation of a young man who killed his parents and, when brought to trial, asked for mercy on the grounds that he was an orphan.

62. Mr. ALI (Iraq), speaking in exercise of the right of reply, said that the United States had shown particular zeal in imposing its embargo on Iraq, to the extent that it had dispatched forces to the region even before the adoption of a Security Council resolution in that connection. Such zeal had been conspicuous by its absence on all occasions over the past 40 years when its ally, Israel, had refused to comply with Council resolutions and when the United States itself had carried out acts of aggression against States in the best cowboy tradition. The remarks made by the representative of the United States simply formed part of his country's propaganda campaign against Iraq, which was designed to stir up hatred and provide an excuse for a permanent United States presence in the region.

The meeting rose at 6.20 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
28th meeting
held on
Thursday, 1 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 28th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued)

AGENDA ITEM 91: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

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90-56754 3067S (E)

Distr. GENERAL
A/C.3/45/SR.28
20 November 1990
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 108: INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING (A/45/3, chap. V, sect. D; A/45/495, A/45/535, A/45/536, A/45/542, A/45/652 and Add.1, A/45/301, A/45/303, A/45/329; A/C.3/45/4 and E/1990/39/Add.1)

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued) (A/C.3/45/L.4)

AGENDA ITEM 91: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/C.3/45/L.7)

1. Miss ANSTEE (Director-General of the United Nations Office at Vienna and Co-ordinator of All United Nations Drug Control-Related Activities) said that, even though more direct political and military perils were engaging the attention of the world, it would be dangerous to believe that the peril of drug trafficking had been dispelled. The devastating reality remained that trafficking in drugs was second only to trade in armaments, and that the production of a single drug - cocaine - was estimated to exceed 200,000 metric tons per year, which illustrated the extent of the commerce of self-destruction. The magnitude of the challenge was such that the actions to counter it always fell short of what was required.

2. However, the foregoing should not be grounds for discouragement. In recent years, the international community had significantly expanded its efforts, especially through the United Nations. The responsibility for co-ordinating drug-control programmes had been transferred from the Under-Secretary-General for Political and General Assembly Affairs in New York to the Director-General of the United Nations Office at Vienna. The transfer, carried out in accordance with the recommendations of the Group of 18 for greater rationalization of United Nations programmes, had had the advantage not only of concentrating in one place the three United Nations drug units but also of facilitating co-ordination between those units and the social programmes (particularly social development, crime prevention and criminal justice, and youth and the family) of the United Nations Office at Vienna.

3. In retrospect, the International Conference on Drug Abuse and Illicit Trafficking, held at Vienna in June 1987, had apparently constituted a crucial watershed by recognizing the concept of shared responsibility and by initiating discussions on ways of launching a co-operative onslaught on all aspects of the problem. The result of that new awareness had been the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control. A year and a half later, in December 1988, the international community had adopted the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which would enter into force on 11 November 1990. The heightened pace of activity, together with the backdrop of the tragic events of September 1989, in Colombia, had prompted the General Assembly to convene, in February 1990, its seventeenth special session devoted to the narcotic drug problem, at which it had

(Miss Anstee)

adopted a Political Declaration and a Global Programme of Action. The special session had been followed by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London in April 1990. In the near future, the first European meeting of Heads of National Drug Law Enforcement Agencies (HONLEA) would take place in Moscow.

4. Equally important, though less visible than those special events, were the Secretariat's co-ordination efforts which had increased considerably, particularly among the three drug-control units in Vienna. The fact that the Director-General of the United Nations Office at Vienna also headed the Centre for Social Development and Humanitarian Affairs had greatly facilitated the linkage of drug control to other programmes, such as crime prevention. In fact, within the United Nations system, no fewer than 25 agencies, entities and departments were concerned with some aspect of the drug problem. Twice a year she chaired an inter-agency meeting on co-ordination in matters of international drug abuse control, which had raised the level of substantive, as opposed to purely administrative, co-ordination. Moreover, the United Nations System-wide Action Plan on Drug Abuse Control, adopted at the General Assembly's forty-fourth regular session and at its seventeenth special session, had also facilitated co-ordination by clearly indicating the activities carried out by the three Vienna drug-control units, their estimated resources for those activities, and the additional resources required for fully implementing their mandates. The System-wide Action Plan had also been updated to include, in particular, the new mandates of the Global Programme of Action. Finally, the Secretary-General's annual report (A/45/542) had been restructured in order to give a detailed account of the activities undertaken by each organization in a given 12-month period.

5. Having established a comprehensive legal framework for its activities, the United Nations should strengthen the operational aspect of drug control, for example, by assisting countries that asked for help in fulfilling the obligations they had assumed under pertinent international instruments. Efforts in that area had concentrated essentially on demand reduction. Pursuant to the recommendation in paragraph 13 of the Global Programme of Action, initial steps had been taken to establish an international system to assess the extent and nature of drug abuse. In accordance with paragraph 15 of the Programme, the Division of Narcotic Drugs had submitted a questionnaire to Governments, regional intergovernmental organizations and non-governmental organizations on measures taken to reduce the demand for drugs, and would report on the results to the Commission on Narcotic Drugs. Finally, the recommendations of international high-level meetings were being circulated, and would subsequently be supplemented by a much broader exchange of practical experience, in the extremely difficult but crucial area of demand reduction. That topic was being emphasized at inter-agency meetings and in the context of the close day-to-day co-operation with the World Health Organization.

6. In accordance with General Assembly resolution 44/142, a group of experts had met twice at Vienna in the summer of 1990 to study the economic and social consequences of illicit drug trafficking, particularly the impact of laundering illegal drug profits on the world's financial systems, and ways of tracing and

(Miss Anstee)

seizing such funds. It was encouraging to note that financial and development agencies were also concerned about the repercussions of the drug phenomenon on developing countries. In 1989, the World Bank had examined the implications of coca production for the economic prospects of Bolivia. That study had demonstrated the extent to which Bolivia's economy depended on drug revenue. It had also clarified the need to improve the living conditions of Bolivia's population, particularly in the altiplano. In addition, the United Nations Office at Vienna was co-operating closely with Peruvian authorities, who had undertaken courageous economic measures to combat the drug problem without hindering their country's development.

7. Another important component of United Nations drug control activities was legal assistance provided to countries which requested it to help them amend their legislation and thus be in a position to ratify the 1988 Convention. Thanks to extrabudgetary contributions, the Division of Narcotic Drugs was now able to provide the assistance requested in paragraph 52 of the Global Programme of Action.

8. Control of the use of precursor chemicals, as recommended in paragraph 45 of the Global Programme of Action, was also claiming increased attention. The laboratory of the Division of Narcotic Drugs would shortly issue its recommendations concerning methods for the detection of precursors and chemical substances used in the illicit manufacture of drugs.

9. The future of the United Nations drug control programme depended on its structure and resources. Aware of the need to improve the efficiency of that structure, the General Assembly, in its resolution 44/141, had requested the appointment of a group of experts to advise and assist the Secretary-General in order to enhance the efficiency of the United Nations structure for drug abuse control. The Group had met three times at Vienna during the summer of 1990 and its recommendations were to be found in document A/45/652. Delegations should now make known their views on that important issue.

10. With regard to resources, while some Governments had been generous in providing extrabudgetary funding for the operational activities of the United Nations Fund for Drug Abuse Control, funding which now amounted to some $70 million, it was a fact that the resources - scarcely more than $4 million a year - available to other drugs units, namely the Division of Narcotic Drugs and the International Narcotics Control Board secretariat, were at a pitifully low level. It was of overriding urgency to find funds to finance, during the current biennium, the 20 additional posts required by the Division of Narcotic Drugs and the International Narcotics Control Board. She hoped that a favourable decision on funding for those posts would be taken at the forty-fifth session. It should be understood that, without those posts, the drug control organs concerned would not be able to carry out the tasks entrusted to them under the Global Programme of Action.

11. Mr. DI GENNARO (Executive Director, United Nations Fund for Drug Abuse Control) said that the effectiveness of the assistance provided by the United Nations to Governments attempting to control the various manifestations of drug abuse were continuously assessed. On the whole the evaluation reports which the Fund made available to recipient and donor countries had so far shown that its programme had achieved positive results. The role of UNFDAC was, of course, to complement world-wide action, particularly by States themselves, to combat drug addiction, trafficking and production.

12. Despite the good work done over the past three decades, it was a fact that drug abuse was expanding and becoming steadily more disturbing. Notwithstanding the positive nature of national programmes, assessment of the world-wide drug abuse situation showed an unabated deterioration.

13. Nevertheless, United Nations appeals for a general mobilization had been answered. The Commission on Narcotic Drugs had met every year. The Economic and Social Council and the General Assembly had given extensive time and attention to the question of drugs and a special session of the General Assembly had been convened. UNFDAC, for its part, had spared no effort to assist those countries which did not have sufficient means to cope effectively with the scourge of drugs.

14. Nevertheless, despite the recognition due to donor countries, particularly the major donors, it had to be admitted that the resources available to the United Nations to combat the problem of drugs were anything but comparable to those available to drug traffickers and their cronies. That led to the conclusion that giving assistance to countries was not enough. Experience had shown only co-ordinated efforts in the most affected areas, where the problems of illicit production, trafficking, addiction and organized crime were interconnected, would allow the international community to prevail, hence the importance of subregional intervention, side by side with traditional assistance to individual countries. That new approach depended on the willingness of the countries of each subregion to work out a joint programme, and implied intimate involvement by the United Nations in project execution, as well as mutual monitoring on the part of collaborating countries.

15. Subregional programmes were particularly suited to border areas in preventing and intercepting the trans-shipment of illicit substances. They also lent themselves to the elimination of illicit cultivation in border areas or in their vicinity.

16. The Commission on Narcotic Drugs and the special session of the General Assembly on drugs had already endorsed that approach, which was, in fact, included in the Global Programme of Action. UNFDAC, for its part, had taken immediate action to identify areas meriting priority attention, including the Golden Triangle, the Golden Crescent and the Andean subregion. Thus, an UNFDAC mission had visited Myanmar in December 1989 to discuss with the Government of that country the benefits of the subregional approach. The reaction of the authorities had been decidedly positive. Following a second mission by UNFDAC representatives to Myanmar and Thailand, those two countries had established a dialogue with a view to

(Mr. Di Gennaro)

identifying areas for co-operation, in which the Government of China was also interested in participating. At the meeting of the Heads of National Drug Law Enforcement Agencies in Asia and the Pacific, held recently at Beijing, the UNFDAC representative had held follow-up discussions with representatives of the Governments of China and Myanmar. A planning meeting with a view to the launching of joint operations assisted by UNFDAC would take place in due course. The Lao Government had also indicated its interest in the strategy for the Golden Triangle.

17. The initiative taken in February 1990 by President Najibullah of Afghanistan in suggesting the setting up of a special commission to prepare a plan of action for the border areas of Afghanistan and Pakistan testified to the positive activities taking shape in the Golden Crescent region. In addition, the Iranian authorities had informed the International Narcotics Control Board of their interest in co-operating with Afghanistan and Pakistan. Those countries had been assisted by UNFDAC in their drug control activities for a number of years. It was thus legitimate to conclude that subregional programmes in that part of the world now appeared to be feasible.

18. Following a resolution adopted in September 1989 by the Ministers of Agriculture of the Andean subregion, in the context of the Cartagena Agreement, calling for the formulation of a regional plan of action for the elimination of illicit coca cultivation, UNFDAC had sent an expert mission to the region to design a cluster of projects which would bring the subregional approach to an operational level.

19. That approach, which involved an ongoing dialogue with recipient countries, had also been discussed with donor countries in order to benefit from their views and, ultimately, their financial support.

20. Mr. RAMOS GALINO (Director, Division of Narcotic Drugs) said that the Division had received a hundred or so annual reports from States Members of the United Nations or States parties to the international drug-control conventions. Those reports showed a significant increase in the seizure of illicit drugs in 1989 and 1990, an increase which was unfortunately not solely a result of more effective action on the part of the national drug control agencies. While co-ordination among those agencies at the bilateral, regional and international levels had certainly improved, the increase in drug seizures was due also to a rise in illicit trafficking. The proof lay in the fact that the seizures had apparently had no effect on the price or supply of drugs. The way to reduce supply was to set up environmentally sound programmes for the massive destruction and replacement of drug crops simultaneously with agro-industrial development measures. Accordingly, the Division was developing a remote sensing programme, in the hope of mapping the areas of illicit drug cultivation before the end of the century. To that end, a group of experts, composed of representatives from the United States, the USSR and France, had met in 1989; in 1989 and 1990, the remote sensing programme would receive financial support from the European Economic Community.

(Mr. Ramos Galino)

21. Combating the supply of illicit drugs was not enough - the complexity of the drug problem went beyond that point. The international community also had to reduce demand. In that connection, non-governmental organizations, teaching institutions, political parties, trade unions, sports associations, religious groups and the media had an important role to play, in particular in alerting young people to the dangers of drugs.

22. It was in that spirit that the Division of Narcotic Drugs was working on the elaboration of standardized methods for collecting and compiling drug-abuse data on the national, regional and global levels. The Division had also set up programmes for exchanging, at the regional level, national and local experience in the prevention and reduction of drug addiction, and for bringing all the energies of the communities involved to bear on that problem.

23. In that way the Division had multiplied, at the local level, the pilot projects for the prevention of drug addiction and the treatment and social reintegration of addicts; for Governments, such projects were one of the most effective and economical methods of preventing drug abuse and reducing its harmful consequences.

24. Article 14 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances referred to the illicit demand for narcotic drugs and the consequent human suffering. In order to rectify that situation, it was vital to have a better understanding of the psychological mechanisms leading to drug addiction and to develop better methods of treatment and social reintegration.

25. The Division of Narcotic Drugs provided technical assistance to countries for laboratory analyses of confiscated drugs. Moreover, thanks to extrabudgetary contributions from the United Kingdom and France, it offered legal advice to approximately 20 countries wishing to bring their national legislation into line with the 1988 Convention.

26. With respect to regional and interregional co-operation, which the Division strongly encouraged, there was a world-wide network of regional co-operation mechanisms. Several regional meetings of the heads of national drug-law enforcement agencies were scheduled for 1990 or had already taken place. The current political situation lent itself to greater regional and interregional co-operation, in particular at the level of the ministries of the interior, of justice, and of foreign affairs. Such co-operation would be increasingly necessary in order to implement fully the provisions of the 1988 Convention, which was one of the international community's most useful weapons against drug trafficking. That was clear from events in Colombia, where the democratically elected Government was courageously confronting individuals who were threatening the country's political and legal institutions. The international community must come to the aid of the Colombian Government without delay.

(Mr. Ramos Galino)

27. Concerted and simultaneous implementation of the Convention by all States parties would enable States to seize the proceeds of drug trafficking; to arrest and, if necessary, extradite traffickers; to collect all the necessary evidence against them through mutual assistance in criminal matters; and to block drug trafficking by land, sea or air, thus aiding not only Colombia but also Peru and Bolivia, which were equally threatened with destabilization.

28. He stressed the deterrent effect of prison sentences and confiscation of goods on drug traffickers, and of administrative and criminal penalties on civil servants engaging in illegal activities.

29. With the ratification of the Convention by Spain in August 1990, the procedure for the Convention's entry into force had commenced, even though less than two years had elapsed since its adoption. He enumerated the 27 countries which had already signed or ratified the Convention. He then invited those countries which had not yet done so to accede as soon as possible to the Convention in order to ensure its world-wide application.

30. Mrs. GOUGH (President of the International Narcotics Control Board) said that her Board had adopted its report for 1990, which would be available to Governments in early December. It would be considered at the next session of the Commission on Narcotic Drugs and, pursuant to the 1961 Single Convention on Narcotic Drugs, would be transmitted to the Economic and Social Council together with the Commission's comments.

31. Despite the measures taken by the international community, an even stronger and more innovative response was needed to tackle the drug problem, in particular demand reduction. Production and supply must also be reduced, but the effort to do so would not produce lasting results unless it was carried out in tandem with the establishment of alternative economic activities. Finally, her Board considered that the countries concerned must act immediately to prevent traffickers from acquiring the weapons, explosives, aircraft and ships needed to pursue their illicit activities and carry out their terrorist acts.

32. Control of drugs used for medical and scientific purposes constituted a basic element in the international community's effort to prevent drug abuse. In general, the system elaborated in the 1961 Convention continued to operate in a satisfactory manner; diversion of drugs into illicit channels remained relatively rare, despite the enormous number of transactions.

33. In the case of the psychotropic substances controlled under schedule II of the 1971 Convention on Psychotropic Substances, the Board's action had been successful. It had been able to put an end to the large-scale diversion of amphetamines and methaqualone taking place in the late 1970s and early 1980s. In that respect, the measures recommended by the Board had been decisive. A large number of Governments had been complying with those measures for several years, and they should be incorporated into the Convention. Such action could be initiated by a Party to the Convention availing itself of the amending procedure provided for in

(Mrs. Gough)

article 30. Controls under schedules III and IV were only beginning to take effect; progress would require more determined action by some manufacturing and exporting countries, as well as by some importing countries.

34. The Board welcomed the entry into force of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in 1988. It hoped that countries which had not already become Parties to it would do so promptly and would meanwhile apply its provisions. In 1991, the Board would submit to the forthcoming session of the Commission on Narcotic Drugs its first report on the implementation of article 12, concerning precursors. The enactment and enforcement of laws to regulate domestic and international sales of precursors used for illicit drug manufacture was of priority importance. That had enabled one country, in 1988, to reduce by more than 50 per cent its exports to South America of chemicals used to manufacture cocaine.

35. In recent years detailed plans of action for drug control had been adopted by the United Nations. The Board was deeply concerned that the level of resources provided for such action was in no way commensurate with the magnitude of the problem. The Board itself could not carry out its mandate, which included the maintenance of continuing dialogues with Governments as well as on-site missions, unless it had adequate resources. The Board's responsibilities were specified in the treaties and reflected in the United Nations System-wide Action Plan on Drug Abuse Control. As matters now stood, the Board was virtually precluded from undertaking any missions for the remainder of the current biennium because funds previously approved for that purpose had been significantly reduced. Under the 1961 Convention, the expenses of the Board were to be borne by the United Nations in such manner as should be decided by the General Assembly (art. 6). On behalf of the Board, she addressed a special appeal that budgetary resources previously allocated should be restored.

36. During the past few months, the Board had followed with great interest the consideration of the enhancement of the efficiency of the United Nations structure for drug abuse control (A/45/652 and Add.1), pursuant to General Assembly resolution 44/141. She noted with satisfaction that the arrangements set out in the report of the Secretary-General maintained the Board's technical independence. The parties had always attached great importance to the Board's functioning as a technical and non-political body, because of the responsibilities, some of them of a quasi-judicial character, that the treaties assigned to it. The arrangements described by the Secretary-General made it clear that the Board's Secretary and secretariat would remain responsible directly to the Board in substantive matters. However, the secretariat would, of course, remain under the Secretary-General's administrative control and would accordingly report direct to the chief executive of the new United Nations International Drug Control Programme on administrative matters as well as on matters relating to the overall co-ordination of United Nations drug control activities. The Board would do its utmost to contribute to the strengthening of those activities and the mobilization of concerted Government efforts.

37. Mr. TRAXLER (Italy), speaking on behalf of the European Community and its member States, said that drug abuse and illicit production and trafficking which left few countries untouched, had assumed the proportions of a structural crisis. The drug problem not only affected individuals, families and whole communities, but could also undermine the political economic and legal foundations of society.

38. Many countries had reacted to the danger and strengthened their programmes for reducing the demand for and supply of illicit drugs. However, if that universal scourge was to be tackled effectively, national efforts must be complemented by effective concerted action at the regional and international levels. The United Nations had long recognized the need, as could be seen from the international instruments adopted through it, including the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The European Community and its member States had signed that important Convention, which was to enter into force on 11 November; they had ratified it or were taking steps to do so and urged all States to do likewise.

39. Efforts must now be concentrated, under the Global Programme of Action, on ensuring the implementation of those legal instruments and the many political declarations adopted at the Vienna Conference, the seventeenth special session of the General Assembly and the World Ministerial Summit held in London, and of the Comprehensive Multi-diciplinary Outline of Future Activities in Drug Abuse Control. The European Community and its member States attached particular importance to the provisions in the Programme for monitoring its implementation.

40. The European Community and its member States believed that it was imperative for the United Nations to create a single drug control unit without delay. Headed by a very high-level official, reporting direct to the Secretary-General, that unit should co-operate closely with the Centre for Social Development and Humanitarian Affairs, the World Health Organization (WHO) and other competent United Nations organs. Under the terms of the Programme, necessary financial, human and other resources should be allocated for drug control activities and should be reflected in the budget. The European Community looked forward with interest to the report of the group of experts on the economic consequences of drug abuse.

41. The European Community and its member States had decided to take urgent and co-ordinated action to reduce the demand for drugs and were carrying out a number of programmes involving dissuasion, prevention, education, treatment, and rehabilitation, emphasizing the need for drug addicts to be shown the respect due to the human person.

42. In the perspective of the single European market of 1992, emphasis was placed on the strengthening of frontier controls to curb illicit trafficking in drugs, co-operation between the customs and police authorities of member States, and bringing the national legislation of member States closer together. Preventive steps had been taken to control the trade in precursors. All Governments must ensure that, at all costs neither drug traffickers nor financial institutions benefited from the illicit trade in drugs and must outlaw the laundering of drug money and conclude co-operation agreements to that effect.

(Mr. Traxler, Italy)

43. To reduce production and disrupt trafficking, it was essential to adopt an overall approach to rural development including the establishment of viable crop substitution programmes. The European Community was making enormous efforts in that field; in the framework of bilateral co-operation it would be allocating approximately $12 million in 1990 to assist developing countries in prevention and reduction of consumption and the development of substitute crops, and to provide them with drug specialists. Contributions by the European Community and its member States to the United Nations Fund for Drug Abuse Control represented over 75 per cent of total contributions. The Twelve hoped that other States would join them so that the Fund could help more countries. They particularly welcomed the co-operation between INCB and WHO in dealing with the problem of the link between drug abuse and AIDS.

44. Convinced that action at the international level must be complemented by regional measures, the European Community and its member States had established a number of bodies in order to intensify their co-operation, in particular a high-level group of co-ordinators, a working group to consider the international aspects of the drug problem, the Trevi Group, which was comprised of Ministers of Justice and the Interior, a mutual assistance group between customs authorities, the "Toxicmania" Group, which was concerned with public health activities, and the Pompidou Group, consisting of 20 countries, including the Twelve, which operated within the framework of the Council of Europe and which was endeavouring to ensure closer co-operation with the countries of Central and Eastern Europe.

45. In evaluating the situation in specific regional areas it was impossible not to voice concern at the increase in production and illicit trafficking in the regions known as the Golden Triangle and the Golden Crescent. On the other hand, there had been an improvement in Latin America. The European Community was willing to expand its bilateral programmes of assistance to the countries of those and other regions, including Africa and the Caribbean, provided that they were ready to co-operate in collective action against the scourge of drugs. In view of the seriousness of the problem, it was high time for the international community to work together more closely and to translate political declarations into concerted action.

46. Mr. MONTAÑO (Mexico) said that the Group of Experts from the developed and developing countries set up to advise and assist the Secretary-General with a view to enhancing the efficiency of the United Nations structure for drug abuse control, pursuant to General Assembly resolution 44/141, had submitted the findings of its deliberations in the form of a report to the Secretary-General as early as 27 July. He was therefore surprised that the report had only been distributed to members of the Committee that morning.

47. In preparing its report, the Group, in which he had served in his personal capacity, had consulted many members of bodies concerned with drug control activities, and had used all the information it could obtain. Having completed its analysis, it had suggested to the Secretary-General that an efficient structure should be established which, using existing resources but organizing them

(Mr. Montaño, Mexico)

differently, would be able to attract more secure financial support and would achieve genuine multilateralization in the campaign against drug abuse.

48. The Group had been realistic in proposing a structure which would ensure effective co-ordination of the activities of United Nations bodies with those of other international agencies active in that field. Among the different options which it had considered, the Group had selected that of establishing, on the basis of the three existing secretariats, a unified secretariat, headed by a very senior official, with responsibility for ensuring co-ordination with governmental and non-governmental organizations both within and outside the United Nations system and for raising the necessary funds for operational and technical co-operation activities. Such activities played a highly important role in that they were aimed at assisting Governments in the implementation of the international conventions on narcotics and the recommendations of the Comprehensive Multidisciplinary Outline and the Global Programme of Action. The Group hoped that the resources which, in the existing structure, made up the United Nations Fund for Drug Abuse Control would thus be used more effectively and rationally. It considered that the new body should be located at Vienna, the headquarters of the Commission on Narcotic Drugs and the International Narcotics Control Board, and that it should remain in close contact with the Centre for Social Development and Humanitarian Affairs in order to make use of the existing administrative and financial services.

49. While noting with satisfaction that the report of the Secretary-General (A/45/652 and Add.1) reflected the spirit of the Group's proposals, he wished to make it clear - which the report did not - that the existing secretariats should be combined into a single structure. In view of the economic, social and cultural impact of the drug problem, the Group hoped that the senior official appointed to head the new structure would work closely with the Director-General for Development and International Economic Co-operation. The Group made one recommendation which was not to be found in the Secretary-General's report: it suggested the establishment of an advisory committee, drawn from the membership of the Commission on Narcotic Drugs on the basis of equitable geographical distribution, to advise the head of the new structure on all matters relating to the voluntary contributions for operational and technical co-operation activities.

50. The enhancement of the efficiency of the structure also depended on an improvement in the functioning of the intergovernmental organs of the system, in particular the Commission on Narcotic Drugs. It was up to the Economic and Social Council, since the Commission was a functional commission of the Council, to review the functioning of that important body and make the necessary changes.

51. At the national level, his country was waging a constant battle against drug trafficking: in the previous 22 months, almost 13,000 hectares of illicit plantations had been destroyed, and major seizures of drugs had been effected, while 472 organizations engaged in international drug trafficking had been broken up and more than 20,000 persons linked to their activities had been arrested. The seizure of almost 9,000 firearms, most of them of large calibre, indicated the link between drug trafficking and arms smuggling, which combined in a criminal alliance that had claimed the lives of 62 officers engaged in the war on drugs.

(Mr. Montaño, Mexico)

52. In conclusion, his country reaffirmed its conviction that the campaign against drug trafficking would succeed only if it were conducted within the framework of international co-operation which respected the sovereignty and territorial integrity of the participating countries.

53. Mr. WALKER (Jamaica) said that he was pleased to note the progress made in the struggle against drug trafficking since the adoption by the General Assembly at its forty-fourth session of resolution 44/141, with respect to both the strengthening of international co-operation and the provision of assistance to countries requesting it. First, there had been the adoption at the seventeenth special session of the Political Declaration and the Global Programme of Action, and that had been followed by the establishment of an international group of fifteen experts - one of them Jamaican - to advise and assist the Secretary-General. The Group had subsequently submitted a set of recommendations on the functioning and structure of a United Nations body with responsibility for the campaign against drugs. The body concerned would be a single structure which would incorporate all the activities so far carried out by the various United Nations bodies in Vienna which were concerned with the campaign against drugs. It would be headed by a very senior official. He unreservedly supported the specific proposals made by the Group with regard to the new structure which had just been described by the representative of Mexico. With regard to the proposals in the Secretary-General's report (A/45/652), which were wholly compatible with the recommendations of the Group of Experts, his delegation believed that the General Assembly could arrive at an agreement at the current session.

54. One of the first tasks to be undertaken wtihin the new structure to be established by 1 January 1991 according to the Secretary-General's report would be to implement the mandates outlined in the Global Programme of Action, under a system-wide plan being developed, while continuing to implement previous mandates. The task could not be carried out effectively, however, unless the necessary human and financial resources were available, and unless direct and dynamic links were established with national agencies undertaking anti-drug strategies, particularly for assisting small States through multilateral mechanisms.

55. In order to reduce the demand for drugs, an essential component of any integrated drug-abuse eradication effort, Jamaica had developed a five-year programme whereby a number of successful initiatives had been taken in 1990: the observance of a drug-abuse awareness week, the organization of an international conference in Kingston, and the establishment of a detoxification unit equipped to treat and rehabilitate drug addicts. There were also plans to launch a broad programme of primary-school drug education, in co-operation with parents, teachers and community members; in addition, efforts would be made to encourage participation in the anti-drug abuse activities of such organizations as church groups and youth clubs.

56. In the battle against drug trafficking and production, Jamaica had enacted legal reforms to impose heavier penalties on drug-related activities, as well as economic measures to eliminate the cultivation of drugs and provide alternative

(Mr. Walker, Jamaica)

income opportunities. At the same time, Jamaica had expanded its co-operation with other countries in the region and had upgraded its relationship with the United Nations Fund for Drug Abuse Control, which was providing valuable assistance.

57. In conclusion, he appreciated the important contribution of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances to the anti-drug strategy. Jamaica would not rest until the scourge of drug abuse was eradicated. He anticipated that the important developments taking place at the United Nations would expand international co-operation, and that the prompt establishment of a new integrated structure would result in greater success in the battle against drugs.

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued)

Draft resolution A/C.3/45/L.4

58. The CHAIRMAN pointed out that the representative of Sierra Leone had orally revised the last phrase of paragraph 12 of the draft resolution as follows:

> "... in the light of any recommendations which the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the Economic and Social Council and the Special Committee against Apartheid may wish to submit to it".

59. A recorded vote was taken on draft resolution A/C.3/45/L.4, as orally revised.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Greece, Hungary, Iceland, Ireland, Israel, Japan, Liechtenstein, Malta, New Zealand, Norway, Poland, Romania, Spain, Sweden, Turkey.

60. Draft resolution A/C.3/45/L.4, as orally revised, was adopted by 106 votes to 9, with 22 abstentions.

61. Ms. OJAMAA (United States of America), speaking in explanation of vote, noted that the text of the draft resolution was more balanced than that of the previous year because it did not call for the imposition of comprehensive mandatory sanctions. However, it failed to take into account the positive developments that had taken place in South Africa in the previous two years. The United States was not losing sight of the objective of eliminating racism and racial discrimination, especially apartheid, and admitted that much remained to be done to reach that goal. It none the less applauded South Africa's efforts to bring about peaceful change, and doubted that the draft resolution contributed to that end.

62. Mr. TRAXLER (Italy), speaking in explanation of vote on behalf of the member States of the European Economic Community, said that the Community's opposition to the draft resolution had nothing to do with its views on apartheid, which it had always condemned as inhuman. While the Community was pleased that the draft resolution omitted most of the controversial political issues included in the resolution on the same subject adopted the previous year, it still felt that the updated report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/45/552), on which the draft resolution was based, was not reliable, because the lists of enterprises and countries it contained were inaccurate and selective. The report failed to mention, apparently for political reasons, the trade relations which many States and enterprises maintained regularly with South Africa. The Community hoped that developments in South Africa would be positive enough to render the Special Rapporteur's mandate unnecessary, and that South Africa would pursue its efforts to become a united, democratic and non-racist nation in which the human rights and fundamental freedoms of all citizens were respected. The Community wondered whether it was really necessary to request the Special Rapporteur to prepare a new updating of his report.

63. Mr. SIGURDSSON (Iceland), speaking in explanation of vote on behalf of the Nordic countries, said that, even though the Nordic countries were fervent supporters of the elimination of apartheid and racial discrimination in South Africa, they had abstained from voting on the draft resolution because it did not reflect the significant changes that had taken place on an international scale in the previous two years. The text did not evince the same concern for balance which the United Nations and its Member States had shown in adopting by consensus the Declaration on Apartheid and its Destructive Consequences in Southern Africa, as well as resolution 44/244.

(Mr. Sigurdsson, Iceland)

64. They also felt that the Special Rapporteur's report did not constitute a useful basis for the Committee's deliberations. The lists of enterprises and countries having trade relations with South Africa were incomplete, inaccurate and, to a certain degree, selective. Moreover, they were not convinced of the need to request the Special Rapporteur to submit an updating of his report at the forty-seventh session of the General Assembly. Nevertheless, the Nordic countries would continue to exert pressure on the South African authorities, particularly through economic sanctions, until profound and irreversible changes had been made to bring about the abolition of apartheid.

65. Mr. TROTTIER (Canada), speaking in explanation of vote, said that his delegation had abstained because, although it noted a certain improvement in the text of the draft resolution, it still had reservations about paragraph 5, which called for the maintenance of sanctions against South Africa until the total dismantlement of the apartheid system had been achieved, "in conformity with the Declaration on Apartheid and its Destructive Consequences in Southern Africa". However, the Declaration, for which Canada reiterated its support, called only for the maintenance of sanctions until profound and irreversible changes had taken place in South Africa. That distinction had great significance for South Africa's economic future, and ignoring it could only hinder implementation of the Declaration. His delegation particularly deplored the very harsh tone adopted by the Special Rapporteur in his report. The Special Rapporteur considered that any contact or transaction with South Africa constituted a form of assistance to that country, and that the imposition of comprehensive sanctions was the only means of ending apartheid. For its part, Canada felt that, given the current developments in South Africa, such sanctions were no longer necessary and would even have undesirable effects on the South African economy that could only result in the suffering of the black majority. Moreover, the Special Rapporteur's report was no longer necessary and even contained inaccurate information. In fact, out of the 87 Canadian enterprises listed in the report, only 6 actually continued to maintain trade relations with South Africa. His delegation strongly encouraged the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to review the Special Rapporteur's mandate or to re-examine its priorities in the light of, for example, the recent regeneration of the Security Council Committee established by resolution 421 (1977) on the question of South Africa.

66. Mr. SEZAKI (Japan), speaking in explanation of vote, said that his delegation had abstained because certain components of the draft resolution were unacceptable. Like the speakers who had preceded him, he questioned the accuracy of the information in the Special Rapporteur's report.

67. Mr. BURCUOGLU (Turkey), speaking in explanation of vote, said that he had abstained because, even though the draft resolution showed certain improvements over the text of General Assembly resolution 43/92, it did not reflect the recent positive developments in South Africa. However, he reiterated Turkey's determination to contribute to the international community's efforts to eliminate apartheid.

68. The CHAIRMAN announced that the Committee had concluded its consideration of agenda item 88.

AGENDA ITEM 91: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

Draft resolution A/C.3/45/L.7

69. The CHAIRMAN said that Senegal, Vanuatu and Venezuela had joined Ecuador in sponsoring the draft resolution.

70. Draft resolution A/C.3/45/L.7 was adopted without a vote.

71. Mr. GVIR (Israel) said that, with regard to agenda item 91, Israel had been under the obligation to refrain from participating in the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. If draft resolution A/C.3/45/L.7 had been put to a vote, Israel would have voted against it because of its implicit reference to General Assembly resolution 3379 (XXX), and because the Decade was being used for political purposes against Israel. However, since Israel categorically condemned racism, racial discrimination and especially apartheid, and identified with the struggle of peoples for equality and freedom, it had not wished to hinder a consensus on the draft resolution.

72. Mr. VAN DER HEIJDEN (Netherlands) said that he had been unable to sponsor the current year's draft resolution concerning the report of the Committee on the Elimination of Racial Discrimination because the amendments he had proposed, in the spirit of resolution 1990/25 of the Commission on Human Rights, had been rejected. Those amendments had called for temporary financial assistance, out of the Organization's regular budget, to be provided to the Committee on the Elimination of Racial Discrimination, without prejudice to the obligation of States parties to the Convention to honour all of their financial obligations.

73. Mr. GROLIG (Germany) said that he had joined in the consensus because of his concern about the financial difficulties of the Committee on the Elimination of Racial Discrimination and the negative impact of those difficulties on the Committee's work. The only way to emerge from the current financial crisis was for all the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to honour their financial obligations. Germany was opposed in principle to any solution that called for an increase of the financial burden borne by States that were conscientious in that regard. With reference to paragraph 7 of the draft resolution, Germany's budgetary procedures precluded it from complying with resolution 1990/25 of the Commission on Human Rights, which sought the concurrence of States parties to the Convention to the establishment of a contingency reserve fund. His delegation had joined in the consensus in order to make it possible for States willing and able to contribute to that fund to do so by making additional contributions to the Committee on the Elimination of Racial Discrimination. He would prefer another solution and therefore supported paragraph 8 of the draft resolution, in which the Secretary-General was invited to explore other possibilities of establishing a more secure basis for future financing of all the costs of the Committee.

The meeting rose at 1 p.m.